

BORDER VULNERABILITIES AND INTERNATIONAL TERRORISM

HEARINGS

BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL TERRORISM AND
NONPROLIFERATION
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
SECOND SESSION

JULY 5 AND 7, 2006

Serial No. 109-203

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BORDER VULNERABILITIES AND INTERNATIONAL TERRORISM (PART I)

WEDNESDAY, JULY 5, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL TERRORISM
AND NONPROLIFERATION,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 9 o'clock a.m., at the Imperial Beach Border Patrol Station, 1802 Saturn Boulevard, San Diego, California, Hon. Edward R. Royce (Chairman of the Subcommittee) presiding.

Mr. ROYCE. This hearing of the Subcommittee on International Terrorism and Nonproliferation will come to order. This Subcommittee is meeting outside of Washington; at the Imperial Beach Border Patrol Facility in San Diego. The Subcommittee welcomes the participation of several non-Subcommittee Members, including Congressman Bob Filner, in whose congressional district this hearing is being held.

The purpose of this hearing, titled "Border Vulnerabilities and International Terrorism," is to assess the threat of international terrorism and scrutinize our nation's response. The number one priority of U.S. Border Patrol, as presented in their National Border Patrol Strategy, is to "establish substantial probability of apprehending terrorists and their weapons as they attempt to illegally enter the United States between the ports of entry." The Subcommittee today will be focused on this critical mission.

In April, this Subcommittee conducted a similar oversight hearing, "Checking Terrorism at the Border," which critically looked at the U.S. Citizenship and Immigration Services. The Subcommittee heard testimony of fraud, corruption, and national security compromises within that agency, which terrorists and foreign intelligence services are likely exploited. The 9/11 terrorists entered our country this way, most by fraudulently securing documents and violating their terms of stay. Our hearing caught the attention of USCIS leadership, and, hopefully, its operations will improve as a result of a new director and a new directive. This week, with field hearings here in San Diego today, and Laredo, Texas on Friday, the Subcommittee will examine our physical vulnerabilities to terrorism.

It's elementary that to defend ourselves against our determined and resourceful enemies our border must be secured. As the Border Patrol says, "We must have operational control." The Border Patrol acknowledges that we don't have this now, which is obvious, espe-

cially to those Americans who live in border communities and suffer consequences of illegal immigration. As we'll hear today from our panel of sheriffs—drug cartels, smuggling rings and gangs operating on both the Mexico and United States side are increasingly well-equipped and more brazen than ever before in attacking Federal, State, and local law enforcement officials. Border Patrol agents are being assaulted in increasing numbers. Some border areas, such as Laredo, Texas, can be accurately described as war zones.

These border vulnerabilities are opportunities for terrorists. Last year, a top Department of Homeland Security official testified in Congress that al-Qaeda has considered crossing our southwest border. It may have already happened. Admiral James Lloyd, then the Department of Homeland Security Deputy Secretary, also noted that al-Qaeda leaders believe that illegal entry is more advantageous than legal entry for operational security reasons. The National Border Patrol Strategy warns of an ever-present threat of potential terrorists employing the same smuggling and transportation networks illegal aliens used to cross our border. These terrorists, the Strategy states, could cross the border undetected with biological or chemical weapons. One of our witnesses, a Federal investigator, smuggled radioactive material to make a "dirty bomb" through two land ports of entry—one on the northern border, one on the southwestern border. Our Border Patrol witness will testify that reducing illegal entries across our border is now more than ever a matter of national security. Post-9/11, I don't know how you look at the porous, and in some places, violent state of the border, including the sophisticated cross-border tunnels that I've been through, without being very concerned.

Lately, there has been a spike in the number of individuals from countries other than Mexico illegally crossing our border. Last year, the Border Patrol apprehended individuals from Syria, Iran, Saudi Arabia, Yemen, and Somalia crossing the southern border. These countries are either designated state sponsors of terrorism or countries where al-Qaeda and affiliated terrorist organizations are active. In 2005, over 30,000 Brazilian nationals were apprehended. That's a 900 percent increase from the previous year. Hezbollah is active in the Argentina-Paraguay-Brazil border area. The FBI has testified in Congress that individuals from countries where al-Qaeda is operational are changing Islamic surnames to Hispanic surnames—a cause of concern.

Too often, illegal immigrants who are not from Mexico are apprehended, released with a promise to report to court, and are never heard from again. Immigration reform must be national security reform.

In December, the House of Representatives passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act. The Senate has passed a very different immigration bill. The House bill does more to gain "operational control" of our border. The House bill requires more miles of fencing, while the Senate bill hinders fencing our southern border by requiring what one witness will testify to be unprecedented and problematic consultation with Mexican authorities. This witness will testify, also, as to how the Senate

bill ties the hands of State and local law enforcement officials in combating terrorism.

No one is eager to devote more resources to border security, frankly, or build border fences. These policies have costs which we wouldn't accept in a better world. But we live in an age where dedicated terrorists want to hit us as hard as they can. They want to knock us out. So we need to be responsible. Our country has made progress in fighting terrorism since 9/11. But in some areas, we're losing ground, including the most fundamental task of securing our physical borders. It's my goal at this hearing today to help advance this cause, much in the way that I think we did with our Citizenship and Immigration Services hearing earlier this year.

This hearing, I should note, will end at 12:45, at the request of the Border Patrol. I will now turn to Mr. Brad Sherman, the Ranking Member, for his opening statement.

[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL TERRORISM AND NONPROLIFERATION

This hearing of the Subcommittee on International Terrorism and Nonproliferation will come to order. I should note at the outset, for the record, that the Subcommittee is meeting outside of Washington, at the Imperial Beach Border Patrol Facility in San Diego. The Subcommittee welcomes the participation of several non-Subcommittee Members, including Congressman Bob Filner, in whose congressional district this hearing is being held.

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It's elementary that to defend ourselves against our determined and resourceful enemies, our border must be secure; or in the parlance of the Border Patrol, we must have "operational control." The Border Patrol acknowledges that we don't have this now, which is obvious, especially to those Americans who live in border communities and suffer the consequences of illegal immigration. As we'll hear today from our panel of sheriffs, drug cartels, smuggling rings, and gangs operating on both the Mexico and U.S. sides, are increasingly well-equipped and more brazen than ever before in attacking federal, state and local law enforcement officials. Border Patrol agents are being assaulted in increasing numbers. Some border areas can be accurately described as war zones.

These border vulnerabilities are opportunities for terrorists. Last year, a top Department of Homeland Security official testified to Congress that al Qaeda has considered crossing our southwest border. It may have already happened. Admiral James Loy, then the Department of Homeland Security's deputy secretary, also noted that al Qaeda leaders believe that illegal entry is more advantageous than legal entry for operational security reasons. The National Border Patrol Strategy warns of an "ever-present threat" of potential terrorists employing the same smuggling and transportation networks illegal aliens use to cross our border. These terrorists, the *Strategy* states, could cross the border undetected with biological or chemical weapons. One of our witnesses smuggled radioactive material, enough to make a dirty bomb, through two land ports of entry, one on the northern border,

one on the southwestern border. Our Border Patrol witness will testify that reducing illegal entries across our border is now more than ever a matter of national security. Post 9/11, I don't know how you look at the porous and in some places violent state of the border, including the sophisticated cross-border tunnels that are being dug, without being very concerned.

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No one is eager to devote more resources to border security. Or build border fences. These policies have costs, which we wouldn't accept in a better world. But we live in an age when dedicated terrorists want to hit us as hard as they can. They want to knock us out. So we need to be responsible. Our country has made progress in fighting terrorism since 9-11, but in some areas, we're losing ground, including the most fundamental task of securing our physical borders. It's my goal for the hearing today to help advance this cause, much in the way that I think we did with our Customs and Immigration Services hearing earlier this year.

Mr. SHERMAN. Thank you, Chairman Royce. Let me thank you for graciously allowing Members of Congress who are not Members of our International Relations Committee to participate in these hearings. And thank you for your collegiality in general.

It's been widely publicized that House Republican leadership has ordered a variety of different committees, some with jurisdiction over legislation, some like ours with no jurisdiction at all, to hold hearings this summer around the country.

These hearings are not designed to legislate. They're designed to whip up public opinion. So the hearings that our Subcommittee is having here today have been swallowed up by this political agenda.

I'm, frankly, mystified why Republican leadership wants us to start here today with a series of immigration hearings that are really dog and pony shows. The reason I'm mystified is they've got some really ugly dogs and some really mangy ponies. An ugly record of not controlling our border and not providing adequate resources to our Border Patrol. Six years of total control in Washington and an uncontrolled border. And a really mangy record of not adopting and enforcing immigration laws so that we can eliminate this huge magnet that attracts illegal immigrants across our borders and confounds our law enforcement authorities.

Let's first look at the ugly. The ugly failure to provide adequate Border Patrol resources.

If we look at this chart here, we see that under the Clinton Administration, the rate of increase of the Border Patrol was almost four times as fast as under the Bush Administration, where the Border Patrol is growing at roughly 4½ percent. This, in spite of

the fact that the Bush Administration had the wake-up call of 9/11, it seems they've been able to go back to sleep.

And then we see how has this country behaved after 9/11. Before 9/11, we were growing the Border Patrol over a 4-year period. It grew almost 45 percent. In the 4 years immediately following that terrible incident, that terrible attack against us, the rate over a 4-year period has been only 15 percent.

Time and again, Democrats have gone to the Floor of the House of Representatives and voted for more Border Patrol resources and more resources for detention beds for those awaiting deportation. Time and again, we're outvoted.

As Mr. Tancredo, one Republican Member of this Committee has stated, we have had to drag the President kicking and screaming toward even providing the modest increases in Border Patrol resources that the Congress has adopted recently.

The terrorist threat is greatest, I believe, on the Canadian border, where we have only 1/20th the coverage that we have on our southern border. The Canadian border where we've had actual terrorists come into our country and be apprehended—not just rumors. I think that the North Koreans have discovered that it is difficult to build an intercontinental ballistic missile, but they also know that you do not have to be a rocket scientist to smuggle a nuclear weapon over America's northern border.

We have the Catch-and-Release program, because time and again, we have failed to provide the detention beds called for by the 9/11 Act which Congress adopted. We have a program where, particularly those who are not from Mexico, including illegal border crossers who are from countries of interest, which the Chairman pointed out to, are caught and then released when they should be detained and deported.

But enough of the ugly record of failure to control our border. Let's turn to the mangy record on immigration law and immigration policy. If you go down to the border here, you'll see two giant signs. One says, "Keep Out," the other says, "Help Wanted." We have failed to adopt an immigration and labor policy that we are willing to enforce. And as a result, there has been a 99 percent decline in the number of enforcement actions against employers. The number of employers fined for hiring those not in our country legally. In fact, in 2004, those fines went to three nationwide.

So, we continue to have this magnet where there are jobs available for those who cross our border illegally where we do not have a system that employers will agree to for bringing the amount of labor into our country that we as a society will agree to.

Furthermore, there is a bill before Congress which the Chairman mentioned that would criminalize 12 million of those who are living in the United States and create a circumstance in which terrorists could hide amongst them and they would be highly unlikely to cooperate with local law enforcement.

I want to thank the witnesses that are here today, and especially thank Sheriff Lee Baca. I don't see him in the audience yet, but I know he'll be here for his panel.

He heads the largest sheriffs' department in the United States. He'll be here to tell us about the terrorism early warning group that he's put together, and also to tell us how California, and espe-

cially Los Angeles County, have not been reimbursed at any reasonable level by the Federal Government for those illegal immigrants who shouldn't be in this country here at all—a Federal problem—who commit felonies and are incarcerated.

The SCAAP program which is designed to reimburse our counties and States who face this cost has been zeroed out by the Bush Administration. Democrats and others in Congress have fought to provide some resources.

So Mr. Chairman, I look forward to bipartisan and collegial hearings with you.

[The prepared statement of Mr. Sherman follows:]

PREPARED STATEMENT OF THE HONORABLE BRAD SHERMAN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, let me first thank you for graciously allowing members of Congress not on the International Relations Committee to participate in these hearings. I do not agree with us holding these hearings. But you have, as always, conducted yourself in a bipartisan fashion notwithstanding the partisan rancor surrounding the nation-wide gaggle of field hearings that have been scheduled on immigration-related issues this summer.

I want to commend your work on the Committee; we have had a good working relationship, and I know that will continue.

This is a critically important topic, but the way these hearings are designed, we simply are out of our jurisdiction. As an International Relations panel, we have jurisdiction over the foreign affairs agencies and laws of the United States. We oversee the Department of State, not the Department of Homeland Security. The subject of these hearings is more in the portfolio of the Homeland Security Committee, Appropriations Committee, Intelligence Committee or Judiciary Committee. I want to know how terrorists intend to get to our homeland to attack us. I want to know what we are doing diplomatically to urge other countries to improve their own immigration controls, so that Mexico, South and Central America are not gateways for terrorists.

But we are not in Washington hearing from the State Department and foreign policy experts, as is the purpose of our committee. We are in San Diego and Laredo this week to hear from Border Patrol, from county Sheriffs, from border security and immigration experts and a citizen activist, focusing on matters that are within the jurisdiction of other committees. Our colleagues look to our committee to oversee our State Department and foreign policy. What we are giving them is the first in a series of traveling political shows designed to inflame partisanship. The only upside is that the hearing will illustrate that the party which controls Washington has failed to control our border—or to adopt a regular legal system for America to get the number of workers it needs legally. I know that was not your intention when you planned these hearings, but that's what we have here, pursuant to the game plan of Republican House Leadership.

That said, let me highlight what I view as the failings of current border control policy.

On several occasions, we on this side of the aisle have tried to get more Border Patrol officers, more detention space for those awaiting deportation and, often working together with Republican colleagues from border states, on getting more help for the states and local government to beef up security. But, to paraphrase our colleague Tom Tancredo, we have had to drag the President kicking and screaming for more resources for border security.

Since 2001, more than 2 million undocumented immigrants have come to the US. Notwithstanding the fact that he signed the 911 Act mandating that 2,000 more Border Patrol agents be added *every year* from 2006–2010, Bush requested only 210 in his 2006 budget. Just 210. The 2007 funding bill for Homeland Security would provide only an additional 1,200 next year. Even with the additional 1,000 agents provided recently by the emergency Katrina appropriations bill, we are still 800 agents short of the 4,000 promised in the 911 Act for 2006 and 2007.

Canada is a known entry point for terrorists—there is no need to rely on shadowy intelligence there. Remember the Millennium Plot to blow up Los Angeles Airport on New Years Eve? There is one agent for every five miles along our northern border—a whopping total of 952 agents watch that expanse. That's actually a decrease from the 1008 on that frontier in 2005.

And then there is catch and release. Currently, we cannot simply return non-Mexicans who are detained crossing the Southern border. Mexico won't take them. These Other Than Mexicans (OTM) have to be held until we can process them back to their countries of origin, usually by giving them a plane ticket. But we don't have the detention space to hold them.

About 165,000 OTMs were caught by border patrol in 2005. Seventy percent of these OTMs end up on the streets. Most don't bother to appear for their deportation hearing. And yes, some are from so-called "countries of interest," where terrorism is a known threat. The 911 Act called for 8,000 more detention beds in 2006, a modest increase in itself. The 2006 funding bill only provided for 4000. A Democratic proposal to get to the 8,000 was rejected. The 2006 and 2007 funding bills combined leave us 5,000 beds short of what was called for by the 911 Act.

I invited Sheriff Baca to appear today. One, he's my sheriff and I didn't want San Diego and Webb Counties to have all the fun. I wanted to hear about his Department's innovative Terrorism Early Warning Group, which is a model for federal-local cooperation. But he will also testify to how we have completely ripped off states and local governments by failing to take care of our own federal responsibility: the detention of criminal illegal immigrants.

George W. Bush has repeatedly tried to cut or eliminate SCAAP—the State Criminal Alien Assistance Program—which reimburses states for the costs associated with jailing undocumented criminals. Since it's the feds who didn't stop these criminals from entering our country in the first place, it should be our responsibility to help the states and local governments cover the costs of incarcerating them.

Finally, I would like to conclude by saying that we simply cannot get a handle on border security until we figure out our broader immigration policy. We have two signs up on our border—"Help Wanted" and "Keep Out." As long as we have a need for foreign labor, and lack a policy to address that need, we will have chaos at the border, illegal immigration and human smuggling. Will terrorists blend in with those entering our country illegally? Will they use the same smuggling networks to gain entry? It is certainly possible. With a normalized process for temporary workers and legal immigrants, we can focus our manpower and resources on those who are real threats to our security.

Thank you again, Mr. Chairman. I also thank the witnesses and especially my colleagues for attending.

Mr. ROYCE. Thank you very much, Mr. Sherman.

Mr. Sherman, as to your point on jurisdiction, we would actually not be doing our job if we weren't holding this hearing today. Rule 14 of the Rules of Procedure of the Committee on International Relations spells out that this Subcommittee's jurisdiction includes oversight and legislative responsibilities over the United States' efforts to manage and coordinate international programs to combat terrorism as coordinated by the Department of State and other agencies.

Clearly, the witnesses that we're going to be hearing from today are dealing with a crucial issue of international terrorism and how government agencies are dealing with it. As I earlier indicated, the Border Patrol states that its top priority is to keep terrorists and their weapons from entering the United States. So I think it's not only appropriate, but it is our job—it is our job to hear from the local law enforcement officers whose job it is to keep us secure, to keep us safe—our sheriffs, our Border Patrol agents.

That's what we'll be doing today.

Mr. SHERMAN. Mr. Chairman, if I could interject and respond to that.

Mr. ROYCE. I'll be happy to yield to the gentleman.

Mr. SHERMAN. We do have responsibility for what the State Department does to work at the diplomatic level with other countries to control terrorism. But none of the witnesses here today are with the State Department.

Now, it's true that you could say that it's because our Committee deals with foreign policy that we should tour military bases. Because, after all, our military actions evolve from our foreign policy.

But we have an Arms Service Committee that oversees the military, not to mention an Intelligence Committee, not to mention an Appropriations Committee.

And likewise, when it comes to enforcement on the ground, when it comes to the Department of Homeland Security, Congress has a Homeland Security Committee to deal with the Department of Homeland Security. I wish we were in Washington talking to the State Department about how to develop a more effective——

Mr. ROYCE. Reclaiming my time.

I don't doubt that my colleague and friend doesn't wish we were in Washington talking to the State Department. Our first responsibility is the State Department and our agencies. But let's just speak to the State Department. The Senate bill, which we'll be discussing today, gives to the State Department the responsibility of working with Mexico. And should we build a border fence, it says that we will get agreement out of Mexico in terms of building that fence. Clearly, this is in our purview.

I would also share with you that we do travel overseas, for example, to North Africa, to bases to deal with our special brigades that are infiltrating terrorist units. When it deals with terrorists, that's the responsibility of this Committee.

Now, if the intelligence community and Homeland Security Department were not telling us that al-Qaeda seeks to gain entry over our southern border, then maybe we could retreat back to Washington and hear again from the State Department. But in light of the fact that we're dealing with international terrorism, and post-9/11 we know they're serious, I think we are only doing our jobs if we go forward and examine exactly that threat. Which we'll now do by going, first, to the Vice Chairman of this Committee, Mr. Darrell Issa.

Mr. ISSA. Thank you, Mr. Chairman.

I would ask that——

The CLERK. Your microphone is not on.

Mr. ISSA. Am I on now?

Mr. Chairman, I ask that by unanimous consent the written statement be placed in the record.

Mr. Chairman, I'll use 1 minute basically to say why we're here today, and echo much of what you have already said.

I first of all would like to note that, for example, Mr. Filner who's on the Transportation Infrastructure and Veterans Affairs thought it was important enough to be here. Ms. Davis, who's on Armed Services, Education, and Workforce thought it was important enough to be here.

Ladies and gentlemen, it is extremely important that every Member of Congress hear and see what every issue is related to immigration reform and border security. And we are ineffective as a result of not having secured borders. We're ineffective because we don't have a plan for a guest worker program while we in fact have 12–20 million people that are here as quasi-guests.

The reality is that, yes, we are here to focus on terrorism, which is in the jurisdiction of this Committee. But more importantly, and

I think most importantly, Mr. Chairman, we are here to have a dialogue with the American people, because we must no longer turn our backs on a problem.

The Border Patrol here in San Diego has been facing a—and throughout the southern border—a hopeless problem. One in which there is not enough, cannot be enough, Border Patrol agents under the present systems to totally secure the border. We cannot have enough of all of the other resources necessary unless we change dynamics. And particularly with the Border Patrol having its number one focus on protecting our border from terrorists, and probably the logical number two, being drugs and other trafficking.

We must find today what the strengths and weaknesses and capabilities are, how we're going to get to terrorism, which is a major threat. And, quite frankly, Mr. Sherman, rightfully so, said, well, this is about the President's policy. Of course it is. Because we're looking for a focused change. A change—a bipartisan, bicameral change, a new law that will give us the opportunity for you men and women to testify here today to do your primary job which is securing the border while we do our job which is to deal with some of the economic issues that have brought us here today.

So Mr. Sherman, I look forward to this lively bipartisan debate in good spirit.

I yield back.

[The prepared statement of Mr. Issa follows:]

PREPARED STATEMENT OF THE HONORABLE DARRELL ISSA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, thank you for holding this hearing today on our nation's vulnerability to terrorism because of a border that we do not exercise effective control over. I would also like to thank the distinguished panel of witnesses we have here today as well as the many interested citizens in attendance.

Residents of San Diego and other border area communities have long known and had to live with the dangers associated with an unsecure border. Problems associated with traffickers in drugs and human beings, as well as other border related criminal activity, has menaced residents in this area for many years.

No Administration or Congress has made sufficiently strong efforts to establish operational control of our border and break the backs of these ongoing criminal enterprises.

When I compare and contrast the border security provisions of the immigration bills passed by the House and the Senate, I see a bill passed by the House that places an emphasis on gaining operational control of our border first and foremost and another bill passed by the Senate that takes the kind of failed half-hearted measures that have led to the situation we find ourselves in today.

The bill passed by the House will construct 730 miles of border fencing across the southwest, while the bill passed by the Senate would construct only 370 miles and requires that our government consult with Mexico before building the fence. The bill passed by the Senate, would in fact make enforcement of existing laws that help that make it more difficult to prosecute smugglers and those who harbor illegal aliens more difficult by creating new exemptions from criminal liability for persons or organizations providing assistance to aliens illegally in our country.

Finally Mr. Chairman, I must mention my concern that while our Border Patrol agents are working hard and making a commendable effort to work with limited resources in an effort to secure our border, the Department of Justice is failing miserably to prosecute the traffickers who bring human beings across our borders.

If terrorists want to bypass the expensive investments this Congress has made in tracking who it is that is attempting to enter our country at ports of entry, it stands to reason that they will have to look no farther than the individuals and networks who smuggle human beings into this country and are only rarely given more than a simple slap on the wrist for their crime.

By failing to adopt a zero tolerance policy for prosecuting human smugglers, the Department of Justice has negligently allowed a criminal culture of smuggling net-

works to fester. Human smugglers, known locally as coyotes, are most often Mexican nationals or U.S. citizens but they are all bad characters. They have smuggled in murderers, rapists, child predators and I believe many would smuggle in terrorists if properly paid.

The continued existence and tolerance of these smugglers puts us at risk to terrorism and is a gaping hole in our border security. I look forward to hearing our witnesses address both our operational security needs on the border as well as the support in terms of detention space and prosecutions our agents on the frontline need to secure our border from the threat of terrorism.

Thank you.

Mr. ROYCE. Thank you, Mr. Issa.

Mr. Filner, whose district we're in today.

Mr. FILNER. Thank you, Mr. Chairman.

Let me first apologize for the United States Congress to some of the witnesses who are here, because you have been made a part of an elaborate coverup for failure in Washington. That is, the majority party controls the House, the Senate, the Presidency, the Supreme Court. They don't have a bill to deal with immigration. And they haven't protected our borders. This is an incredible failure, and going around the country to try to cover that up.

Since you are here at the border in California, and I represent virtually the whole border from here to Yuma, Arizona, and nobody has bothered to ask me my opinion on it, but let me say one thing that you ought to consider.

We need a smart border if we're going to deal with the issues of terrorism and the issues of illegal immigration. Right now we have a dumb border. And what I mean by that, let me tell my colleagues something like 300,000 people every day cross through my district back and forth, across the border legally. Three hundred thousand—legally. There's no place like that in the world. We ought to be dealing with those legal immigrants in a far more technologically advanced way. We can put all kinds of biometric data on ID cards. We can make sure we know who these 300,000 are. Let's let them go back and forth with some efficiency, and concentrate our resources on the bad guys. That would be a smart border.

We have long lines, it takes sometimes 2, 3, 4, 5, 6 hours to cross the border legally. We're wasting our resources. Let's focus on the bad guys and let's help those who regularly cross for family and jobs and housing and education and shopping to cross that border efficiently.

Thank you, Mr. Chairman.

Mr. ROYCE. Thank you.

I'll remind the Members to hold your statement to 1 minute.

Mr. Poe, from Texas.

Mr. POE. Thank you, Mr. Chairman, for having these hearings. I think the purpose of these hearings is to find out the truth of what's going on. And as a former judge in Texas for 22 years, I believe in the rule of law, and it's real simple: It's illegal to come in the United States without permission, and that includes everybody.

And the purpose of these hearings, of course, is to concentrate on the real outlaws, those terrorists who want to do us harm, from whatever border they want to come into the United States from. It seems to me that as the United States is protecting the borders of our nation, as we ought to protect our own border as well.

There are two wars going on. There's a war in Iraq and Afghanistan and there is a border war. Mr. Chairman, as you mentioned

it correctly, down in Laredo, it is a border war. It's a war zone. And I want to thank Sheriff Flores for being here today from Laredo for those types of intrusions into our country.

Several concerns that I have are about the fact that we have intrusions from foreign nations. There have been over 200 incursions in the last 10 years. The Department of Homeland Security chief says that those are probably not military incursions. I want to find out what they are, even though he says they don't occur. I guess it's people playing the Mexican Military, wanting to dress up and come over to the United States.

Concerned about al-Qaeda sales, south of the American border, North American border they have assimilated and wish to move into the United States. And, of course, this absurd policy of having to go to all the trouble of border security agents of having arrested people from other nations, other than Mexico, and then released them on their own oath to come back to the United States and what we can do about that absurd policy.

So, thank you, Mr. Chairman.

Mr. ROYCE. Thank you.

We'll go now to Congresswoman Zoe Lofgren, from California.

Ms. LOFGREN. Thank you, Mr. Chairman.

With complete control of legislation and enforcement for 6 years, Republicans are now calling for a series of hearings across the United States. And I think it's pretty obvious that this is a political effort. It's more talk and, again, no action.

Since 1995 when the Senate and House were taken over by the Republican party, 5.3 million additional undocumented immigrants came to the United States. The 9/11 Act mandates an additional 800 immigration enforcement agents, but the Congress controlled by the Republicans has only 350.

The 9/11 Act mandates an additional 2000 Border Patrol agents over each of the next 5 years, but we failed to do that as well.

Since Bush became President, workforce enforcement has fallen apart. The number of employers prosecuted for unlawfully employing immigrants dropped from 182 in '99 to 4 in 2003. Fines collected declined from 3.6 million to 212,000. In 1999, United States initiated fines against 417 companies. And in 2004, three. Three.

So we know that little has been done. And I remember that, in politics, when the going gets tough, you talk. And when it's real tough, you talk a lot.

That's what we're doing today, and I think it's a shame.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

We are finally turning our attention to a serious issue—border vulnerabilities and terrorism. Unfortunately, this hearing and the all others the Republican leadership has scheduled are a day late and a dollar short. Correction—we are six years late and millions of dollars short.

President Bush took office in 2001. The Congress has been controlled by Republicans since 1995. The Senate, with one exception, has had a majority of Republicans since 1995. The Federal government, charged with making and enforcing the laws of this nation, have been under the sole control of Republicans for the last six years.

With complete control of legislation and enforcement of law for six years, you would think that a party that now calls so vigorously for border security and en-

forcement of immigration law could have solved problems of illegal immigration by now.

But, Mr. Chairman, the Republican Party seems to be all talk on this subject.

Even the latest so called “border security” bill that passed the House of Representatives in December, H.R. 4437, does next to nothing to solve the problems of vulnerabilities on the border.

Title I, named, “Securing United States Borders,” appears to be a promising title. However, of 17 provisions, only two actually provide additional border resources.

Take for example section 101, “Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.” Why should we have to wait 18 months for the Secretary to control our borders? Is this not his job already, as required by existing law? More importantly, if the Secretary is not doing his job now, why would another law telling him to do what he’s already required to do change anything?

H.R. 4437’s “solution” to border security and terrorism is to make 11 million people felons. Throwing 11 million in jail and prosecuting them provides each one of them with constitutionally guaranteed government-paid defense counsel. The costs for arrest, prosecution, court, and incarceration could reach 1/3 of a TRILLION dollars. Do we think Republicans, who can’t pay for the cost of enough Border Patrol agents, are really serious about this?

H.R. 4437 would also make priests, ministers, and other humanitarian volunteers guilty of a felony and subject to up to five years in prison for simply feeding and helping undocumented immigrants in desperate situations.

Unfortunately, H.R. 4437 is not the only Republican failure on border security. Here is just a partial list of others:

- Since 1995 when the Senate and the House were taken over by the Republican Party, 5.3 million undocumented immigrants came to the United States.
- Since 2001 when President Bush came to power, over 2 million undocumented immigrants have entered the United States.
- In 2004, Congress enacted the Intelligence Reform Act (or the 9/11 Act), which mandated an additional 2,000 Border Patrol agents being hired over each of the next five years, but the President’s FY 2006 budget called for only 210 additional Border Patrol agents and Congress, with both the House and Senate controlled by Republicans, only funded 1,200 additional agents.
- The 9/11 Act also mandated an additional 800 immigration enforcement agents over each of the next five years. And yet, for FY 2006, the Congress funded only 350 additional agents.
- The 9/11 Act also mandated an additional 8,000 detention beds, but for FY 2006, the Congress funded only 1,800 additional detention beds.
- According to the Washington Post, between 1999 and 2003, work-site enforcement operations were scaled back 95% by the Immigration and Naturalization Service. The number of employers prosecuted for unlawfully employing immigrants dropped from 182 in 1999 to only four in 2003, and fines collected declined from \$3.6 million to \$212,000. In 1999, the United States initiated fines against 417 companies. In 2004, it issued fine notices to only three.
- Little has been done to secure our northern border. The Congressional Research Service says that Canada is a “favored destination for terrorist groups [as] a safe haven, transit point and place to raise funds.” While the Republican leadership in Congress focuses on the Southern border with 10,000 Border Patrol agents stationed along the 2,000-mile border with Mexico, only a fraction of that force is on the Canadian border. Recent news stories state that people drive, walk, sail, ski, and sled across the northern border all the time. We have, at any given time, about 200 Border Patrol agents along a 5,000 mile northern border
- On December 16, 2005, all 219 House Republicans voting that day, *including the ones here today*, opposed a proposal that would have required more border agents, ended “Catch and Release” by authorizing 100,000 additional detention beds and incorporated state-of-the art surveillance technology, including cameras, sensors, radar, satellites, and unmanned aerial vehicles. [HR 4437, Vote #660, 12/16/2005, 198–221]
- In 2005, of 227 House Republicans, 226 voted, *including all Republicans here today*, voted against a proposal to commit \$41 billion to secure the nation from terrorist threats—\$6.9 billion more than the President’s budget. The

proposal contained \$28.4 billion for border and transportation security, immigration processing, and other security functions—\$4 billion more than the President's budget. [HR 1817, Vote #188, 5/18/2005, 199–228]

- In 2005, 225 of 227 Republicans, *including all the Republicans here today*, voted against an effort to add \$284 million to an emergency spending bill for securing the nation's borders. The added funding would have hired 550 additional border patrol agents and 200 additional immigration investigators, and provided funding for unmanned border aerial vehicles. [HR 1268, Vote #160, 5/5/2005, 201–225]

Mr. Chairman, there is a lot of tough talk these days about immigration, but the record of those promoting that talk on real action is poor. That's been the pattern for a decade. And it continues today.

This looks like a political effort, not a serious government effort.

It seems to me that this hearing on border intelligence is just another in the long list of hearings held and planned by this Republican-led Congress that do not lead to solutions to a problem the American public cares about. The Republicans are all talk and no action on border security and terrorism. Full of hot air, you are the GOP—the Gab Only Party.

Mr. ROYCE. Thank you.

Congressman J.D. Hayworth from Arizona.

Mr. HAYWORTH. Thank you, Mr. Chairman. And I have a full statement I'll submit for the record and I ask for unanimous consent for its enclosure in today's proceedings.

Mr. ROYCE. Without objection.

Mr. HAYWORTH. I listen with great interest to the preceding statements from my friends on the left and would welcome their active sponsorship of my enforcement first bill. Because on one point we can agree. We need a lot less talk and a lot more action.

What we have before us, ladies and gentlemen, is not a Republican problem, not a Democrat problem. It's inherently an American problem. And unless and until we face up to the fact that national security is border security, and unless and until we face up to the fact that we need active interior enforcement of our laws, all the proceedings and all the posturing and all the political speeches in the world matter not one wit.

It is fascinating to hear that Committee hearings are part of the cover-up. Well, that is a rhetorical sleight-of-hand that I haven't seen in a long time.

Well, I look forward to having this hearing today to hear what's on the minds of the witnesses.

Mr. Chairman, I thank you for the time and for the opportunity.

Mr. ROYCE. Thank you.

We'll now go to Mr. Xavier Becerra from California.

Mr. BECERRA. Thank you, Mr. Chairman. And I'd like to begin by thanking all of our witnesses, our law enforcement personnel who are here, and, certainly, the public that has taken the time to attend.

But I'm not certain that this is the most prudent use of official resources to hold this public hearing which is being paid at taxpayer expense in an effort, in essence, to gain an upper hand in an internal squabble that's going on between Republicans in the House and Republicans in the Senate. They cannot agree on what to do on immigration reform. And so here, we have these hearings held by Members in the House, and the Senate now will hold hearings as well. And we have two bills that have been passed by the House and the Senate, and they both sit idle waiting to be negotiated for a compromise. And so while we sit, the public waits. And

right now, if we were to look into the crystal ball and say what will happen by the end of this year? It looks like nothing.

These hearings, unless they move us somewhere, are going to be a prescription to a do-nothing Congress. And once again, after many, many years, we will see nothing being done. So Americans want solutions, not political grandstanding. Hopefully we can move beyond these hearings and actually get to the work of coming up with a compromised bill between the House and the Senate and the Republicans stop their squabbling so we can get there and give America what they want. And Americans wanting a solution.

So I yield back my time, Mr. Chairman.

Mr. ROYCE. Thank you.

Now we'll go down to Congresswoman Marsha Blackburn of Tennessee.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

We know that you are too busy to come to Washington, and this is why we have come to you.

You have a tremendous task in front of you which is securing the border of this nation. And we know that many of you agree with us in the House, that the very first action that we should take is to secure this border. And then we should be talking about other issues.

And we know the issue today, first and foremost, is the issue of illegal entry. The discussion we're going to have today happens when people, and it has to happen, when people choose to illegally cross our border, choose to break our law to enter our nation.

We know that the American people are frustrated with this issue. We know that they are frustrated with Washington, DC, and the apparent lack of understanding the impact of illegal entry has on this great nation.

We agree that people have truly grown ill and fatigued with the talk and with the bureaucracy, and they are ready for action. And the action that most Americans would like to see taken is the action proposed in the House bill.

We hope that the Administration, the bureaucracy in the Senate, will agree with us and with the American people and sign that bill into law that puts the focus on securing the border, worker enforcement, and no amnesty for those who have illegally entered our country. We know that the issue of—

[The prepared statement of Ms. Blackburn follows:]

PREPARED STATEMENT OF THE HONORABLE MARSHA BLACKBURN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TENNESSEE

Border Security is one of the most important issues for my constituents and Americans. They want to see immediate action to secure the border and prevent illegal entry into this country which often involves drug smuggling, human trafficking, and terrorist infiltration. President Bush recently instituted an important step by sending military troops to supplement border patrol agents. But this is not enough. We need to drastically increase the number of agents at the border and construct physical barriers, such as fences and walls, which will prevent the entry of illegal immigrants and terrorists into our country. Until these steps are completed, I am in favor of sending more troops to secure the border.

Once the border is secure, then Congress must insist on worksite enforcement. Over the past few years, this area has been a low priority for Immigrations and Customs Enforcement as they have continually devoted less and less resources to this area and often lowering the amount of fines in negotiations with employers. GAO has stated that this policy undermines effective enforcement and allows the

company owners to view the fines as simply the cost of doing business. GAO also stated that U.S. employers will continue to hire illegal immigrants because of these lax enforcement efforts and as the proliferation of fake documents increases.

I believe it is a vital to ensure that federal contractors, who often oversee work at these critical infrastructure sites, verify the legal status of their employees to ensure security is not compromised. Also, these contractors also must not be allowed to negotiate these fines down and therefore to continually ignore the law.

I have introduced two bills to address these problems. One of my bills, H.R.2049, the Federal Contractors Security Act, would ensure that federal contractors are not using taxpayer dollars to pay the wages and salaries of illegal immigrants. Another bill of mine, H.R.3262, the Employee Verification Accountability Act, would not allow ICS to negotiate the fines down, but instead would level a standard fine of \$10,000 if the employer knowingly hires an ineligible worker.

Together my two bills would greatly reduce the ability of contractors and ICE to turn a "blind eye" towards the employment of illegal immigrants. I am pleased that the House Judiciary Committee inserted many of the provisions of my bill into H.R.4437. I look forward to working with my colleagues on these issues.

Mr. ROYCE. Time has expired. We're now going to go to Congressman Raul Grijalva.

Mr. GRIJALVA. Thank you very much, Mr. Chairman.

In coming to this hearing, I was hopeful that this hearing is about receiving information from expert witnesses today in an effort to craft a legislative relief to the very real issues on the border, to the need for immigration reform, to the needs around security, to reconcile the differences that exist in two pieces of legislation, and to work toward a common ground.

But sadly, I have come to the conclusion that this hearing, like the others, is about justifying an outcome. And that it's either the House legislation, which is 44/37, or nothing. And what a failure on the part of this Congress not to act responsibly, but instead to inflame, posture, and pander to emotions and divisions of this country.

There are real issues on this border. I represent a big portion of this border in Arizona. Issues of security. Economic issues. Issues of—humanitarian issues. People dying—400–500 a year in the Arizona desert.

These are real issues. And I think the responsibility of this Committee of jurisdiction is to look about how we internationalize the solution. How we have a shared responsibility with our neighbors to the south—on enforcement, on economic development, and on security.

I—thank you, Mr. Chairman.

Mr. ROYCE. Without objection, we'll put all these statements on the record.

Mr. SHERMAN. Mr. Chairman, that will apply to both witnesses and Members?

Mr. ROYCE. That is correct.

We'll go to Congressman Rohrabacher from California.

Mr. ROHRABACHER. First and foremost, let us all admit that our primary responsibility to the people of the United States is to protect their interest. And the United States Government has not been protecting the interests of the people of the United States, for whatever reason.

And I want to congratulate the Border Patrol and those law enforcement officers who have been trying to do their job down here when the rest of us have not been doing our job in Washington, DC.

And the fact is, that no matter how tough we try to make it in the border, Mr. Chairman, unless we have an overall program that includes cutting off the benefits and jobs that draw people across this border, we can't just rely on the Border Patrol who's trying to do their job.

So we need to act in Congress. We have not done so. This is both about this Administration as well as Democrats on the other side of the aisle bear responsibility on this, as we do. Let's get going, let's do our jobs, so that these people down on the border can do their job and stop this invasion of the United States which is hurting the American people.

Mr. ROYCE. Congresswoman Susan Davis from California. Congresswoman Susan Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

I want to thank the witnesses and I want to welcome my colleagues to San Diego. I can't stress more deeply the strength of emotion that I feel around this issue when I talk to residents in my community here in San Diego and face in the discussion today. And I certainly hope that what we hear today on the inside of the game, if any, will really contribute to genuine decision-making. That is my hope.

And I have some fundamental questions, Mr. Chairman.

What are the most effective, the most realistic, and the most workable ways to protect our borders? How do we shut out terrorists and WMD and how do we stem the flow of undocumented workers? How do we take the information and intelligence and share it amongst the professionals who are working to do just that, to protect our borders? What kind of cost-benefit analysis should we perform for the various approaches? And, are we willing to commit the necessary resources so these are not more solutions done "on the cheap" without any real hope of success?

For years, San Diegans have been asking these questions. We've all been asking them. We've been looking to our Republican leadership in Washington for those answers. And quite frankly, they haven't been provided.

So we're here today. This is a serious problem. And I hope serious people who truly want to solve it will be central to the debate.

We know that there should be shared responsibility for both success and for failure.

Thank you, Mr. Chairman. And I'll submit a full statement for the record.

Mr. ROYCE. Thank you.

We'll go to Congresswoman Grace Napolitano from California.

Mrs. NAPOLITANO. Thank you, Mr. Chair. And I'd certainly like to ask to leave the record open for inclusion of any testimony.

Mr. ROYCE. Without objection.

Mrs. NAPOLITANO. Thank you, sir.

You've heard all the arguments—I was born and raised in Brownsville, Texas. So talk to me about carrying your birth certificate because they want to know where you were born. I've lived with that.

We have a problem, ladies and gentlemen. And all the talking in the world isn't going to do it. So if we're going to fund the ability

for highway patrol, for Border Patrol, for Customs, for everybody to do their job, it has to be funded.

You have not, gentlemen, been funded properly.

Since 201, there have been submissions of bills that would have increased the number of patrol officers. And guess what? My colleagues voted against it. Just on 207, 1.5 billion voted against.

Now, are we talking or are we acting?

I think it's time that we begin to look at it seriously, about the employers sanctions, about what do you do with formal versus informal deportations, ladies and gentlemen. And where are you going to put all of these criminals? Supposedly criminals.

So there are many, many questions that cannot be answered. It's not a one-size-fits-all. It is a serious problem but also understand that the economy rests on a lot of this immigrant population. So we need to be able to determine how we're going to handle it. How much funding are we going to provide. And are we serious about making a dent in what we feel is stemming the flow of antiterrorism or any other type of criminal activity coming into our country from our countries.

And with that, I yield back.

[The prepared statement of Ms. Napolitano follows:]

PREPARED STATEMENT OF THE HONORABLE GRACE F. NAPOLITANO, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you for the invitation and opportunity to address this important issue.

We are here today to talk about border security. What we should be talking about is the fact that Republicans are holding these sham hearings *instead* of going to conference and enacting much-needed comprehensive immigration and border security reform legislation.

Democrats have offered numerous amendments in the last four and a half years to enhance border security resources. If these Democratic amendments had been adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders than now exist. Each time, these efforts have been rejected by the Republican majority.

Democrats are sincere about border enforcement proposals, while some in the immigration debate seem more inclined to rely on rhetoric and won't even live up to their own requirements. Performance on border resources and immigration enforcement has actually *fallen* under the Bush Administration, so what we should be talking about now is how to find a sensible approach to border security, which would include the following:

- Provide guest workers with a pathway to legalization, which would free up federal agents to focus their energy on protecting Americans against terrorists and criminals.
- Provide better technology for the border, including unmanned aerial vehicles, infrared cameras and drones.
- Enhance our efforts to combat human smuggling and increases coordination and information sharing among authorities responsible for border control.
- Create a workable employer verification system, which would mandate strong penalties for employers who knowingly violate immigration laws.

These sham hearings won't fool the American public. Republicans can't run away from their record of failure on border security and immigration enforcement. We need comprehensive immigration reform to address the failed and broken immigration system. I am looking forward to hearing constructive proposals from our witnesses to fix this system from our witnesses today.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. ROYCE. Thank you.

We'll now go to Congressman Brian Bilbray who's going to go to the dais and borrow Mr. Rohrabacher's microphone for a minute.

While we're doing that, let me explain this is a field hearing. And so to be fair to the witnesses and under the rules of the House, as we commence with the testimony of our witnesses, we'd like to ask you to refrain from outbursts of applause. That's the rules under which we operate the field hearing.

I'll now recognize Mr. Bilbray for 1 minute, and then we'll go to hearing from our witnesses.

Mr. BILBRAY. Thank you, Mr. Chairman.

Mr. Chairman, it's a pleasure to be here in Ms. Davis' district. It is obviously *deja vu* for some of us that have grown up here. I actually grew up about three blocks from this location, right here on the frontier. But it's nice to see that, finally, it looks like people are getting serious about looking at a situation that has been ignored for much too long. And, hopefully, a reasonable, common sense approach will be addressed to this. And Mr. Chairman, I just hope that people are willing to get the facts of the huge mistakes that were made in '86 with a proposal of rewarding people for coming into this country illegally.

And the way that made us lose control along the border, even though the Border Patrol agents were working hard and extensively at trying to control the flow that was not just a problem for those of us that lived along the border, but a major crisis for the nation.

And, hopefully, people across America will learn what those of us along the frontier have known for decades. And that is, the United States has not been serious enough about our national sovereignty and defending our neighborhoods. I think too often people talk about the border as if it's somewhere over there.

The problem, Mr. Chairman, is not, and the threat, is not at the border. The problem is coming across the border and not being regulated. The real problem is in our neighborhoods. And anybody can go to street corners across America and see where the problem is moving to.

But I think after 9/11, there has been a change, and that change means we need to listen and we need to act.

Thank you, Mr. Chairman, for the chance to be heard.

Mr. ROYCE. Thank you.

Now we're going to go to our first panel. We have three panels. Let me introduce San Diego Sector Chief Darryl E. Griffen. He's a 25-year Border Patrol veteran. He's held several leadership positions in the Border Patrol since 1981, and has served as chief Border Patrol agent for the San Diego Sector since 2004.

Before the Border Patrol, he worked for the Warsaw New York Police Department and the Wyoming County Sheriff's Department. It's good to see you again, Chief.

Next to Chief Griffen is Ms. Adel Fasano, the director for field operations of border protection. She will not be testifying but she's available to answer any Member's questions today.

Chief Griffen, we have your written testimony, so we're going to ask you to summarize to 5 minutes so that Members can then get to their questions.

Thank you very much.

**STATEMENT OF MR. DARRYL GRIFFEN, CHIEF PATROL AGENT,
SAN DIEGO SECTOR, OFFICE OF BORDER PATROL, U.S. CUS-
TOMS AND BORDER PROTECTION, DEPARTMENT OF HOME-
LAND SECURITY**

Mr. GRIFFEN. Thank you, Chairman.

Chairman Royce, Ranking Member Sherman, and Distinguished Members of the Committee. On behalf of the Command Staff, and the men and women of the San Diego Chapter, welcome to the Imperial Beach Border Patrol Station.

I want to extend our collective thanks to all the Members of Congress for all that you have done, for all that you are currently doing, and for all that you will do in the future in supporting our efforts to gain operational control of our nation's border.

Chairman Royce, as you and the Members of this Committee have traveled across the country to gain a field perspective regarding border security, it will be beneficial this morning to provide a brief overview on how the men and women of the San Diego Sector strengthen national security and protect America and its citizens.

In support of our priority mission to prevent the entry of terrorists and terrorist governments from entering the country between the ports of entry, the goal of the San Diego Sector is to gain, maintain, and expand operational control of our border by utilizing the right combination of personnel, technology, and tactical infrastructure.

In pursuit of this goal and in support of our national strategy, we have identified three objectives that guide the implementation of our enforcement approach: A secure and safe border. Coordinated border enforcement management. And a highly skilled, highly trained, multidisciplined workforce.

The San Diego border region is an attractive site for criminal organizations that traffic human cargo, narcotics and contraband across our border between the ports of entry.

Three factors that influence this illicit activity in the San Diego border region are the diversity and complexity of trade features being the most densely populated border region along the southwest border and the presence of an extensive, sophisticated transportation network on both sides of the border.

This is validated by the historical precedent that once made San Diego the gateway for illegal immigration into the United States.

During the 1980s, early- and mid-1990s, we effected approximately 50 percent of all the apprehensions along the southwest border. During this period of time, due to a significant lack of resources and infrastructure, the border was out of control and crime was rampant, which adversely impacted the security and well-being of our border communities.

To remedy this situation, the Border Patrol developed and implemented a deterrence-based enforcement strategy, supported by the proper combination and application of personnel, technology and infrastructure.

Further, we have prioritized intelligence-gathering analysis, dissemination and predictive modeling to support intelligence-driven operations. This has allowed us to do more with less, by economizing the deployment of resources to maximize operational effectiveness. In San Diego, this unified and seamless enforcement ap-

proach has created a common operational picture, where Border Patrol stations share resources across the board to address and abate illicit activity in a real-time environment.

In addition, strategic partnerships with Federal, State, and local offices, both domestic and foreign, have strengthened the fence-and-death posture and pushed the border outward, allowing us to rapidly identify, mobilize, and respond to emerging threats or trends.

As a result of these cumulative efforts, from 1995 to 2005, apprehensions decreased by 76 percent. Border deaths decreased by 55 percent. And economic vitality was returned to the border area.

Although progress has been noted, there is still much work to be done. Eight-two years of dedicated border enforcement have taught men and women to be vigilant, courageous, flexible, and devoted to duty.

To effectively meet the challenges of the 21st century, we'll continue to rely on our workforce and respected law enforcement professionals to successfully carry out multiple and varied missions to provide for a secure and safe homeland.

Chairman Royce, seated beside me is Adel Fasano, U.S. Customs and Border Protections Director of Field Operations for San Diego.

Director Fasano and I know that securing the areas between the ports of entry is just as important as securing our ports of entry.

With this one face of the border in mind, Director Fasano and I look forward to any questions that you or the Committee might have regarding border security and the threat of terrorism.

Thank you.

[The prepared statement of Mr. Griffen and Mr. Garza follows:]

PREPARED STATEMENT OF MR. DARRYL GRIFFEN, CHIEF PATROL AGENT, SAN DIEGO SECTOR, AND MR. REYNALDO GARZA, ACTING CHIEF PATROL AGENT, LAREDO SECTOR, OFFICE OF BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Chairman Royce, Ranking Member Sherman, Members of the Committee, it is a privilege and an honor to appear before you today to discuss our latest efforts along the border, including the role the National Guard will play in assisting the Department of Homeland Security, and especially U.S. Customs and Border Protection (CBP), in our mission of securing our Nation's borders.

The DHS and CBP remain steadfast in our commitment to gain control of our borders, and the announcements in May by the President will move us rapidly forward on that commitment. Let me first state that National Guard support of and coordination with DHS and the Border Patrol is nothing new. While this new infusion will be on a larger scale, the Border Patrol has a history of nearly two decades working with National Guard units to utilize their unique expertise, workforce, technology, and assets in support of our mission and as a force-multiplier. Today there are currently hundreds of National Guard troops assisting DHS, primarily in our counter-narcotics mission.

CBP acts as the guardian of our Nation's borders, safeguarding the homeland by protecting the American public against the entry of terrorists and the instruments of terrorism, while enforcing the laws of the United States and fostering the Nation's economic security through lawful travel and trade. Within CBP's larger mission, the Border Patrol's time-honored duty of interdicting illegal aliens and drugs and those who attempt to smuggle them across our borders between the ports of entry remains a priority. The nexus between our post September 11th mission and our traditional role is clear, terrorists and violent criminals may exploit smuggling routes used by migrants to enter the United States illegally and do us harm. Reducing illegal entries across our borders is now more than ever a matter of national security.

Since 2001, border security funding has increased by 66% and the Border Patrol has increased to over 11,700 agents. Since 2001, the Border Patrol and DHS compo-

nents have apprehended and returned more than 6 million people entering America illegally. In fiscal year 2005 alone, the Border Patrol apprehended nearly 1.2 million undocumented aliens attempting to enter the United States illegally. .

Despite the progress we have made, we do not yet have control of our border. This is evidenced by the fact that as of June 1, 2006, there have been 527 violent incidents between the Ports of Entry, 57 such incidents at the Ports of Entry, and 3 in the CBP Air & Marine environment. The port of entry violence primarily includes aggravated assaults, vehicle assaults, and rockings. Furthermore, during this same period of time, the Border Patrol has documented 177 incidents of bandit activity in FY 2006, 81% occurring near Yuma, AZ and arrested 237 gang members, including 172 Mara Salvatruchas (MS-13).

To secure operational control of the borders, President Bush has announced a plan to increase the number of Border Patrol Agents by 6,000 by the end of 2008. This will bring the total number of Border Patrol Agents to over 18,000, doubling the number of agents since the President took office in 2001. These additional agents will serve as a tremendous resource in combating violence and the organizations that prey on innocent people on both sides of the border.

DoD support will be an immediate, short-term measure that allows the DHS to increase their deterrence and border security capabilities while DHS trains additional Border Patrol Agents and implements the Secure Border Initiative. One of many capabilities the National Guard will provide is an increased detection capability to allow a quicker response by law enforcement officers. Additionally, many Border Patrol Agents who are currently working in clerical and logistics jobs will return to the front lines to detect and apprehend illegal aliens.

National Guard units will assist DHS by providing logistical and administrative support, operating detection systems, providing mobile communications, augmenting border-related intelligence analysis efforts, building and installing border security infrastructure, and providing training. However, law enforcement along the border between the ports of entry will remain the responsibility of Border Patrol Agents. The National Guard will play no direct law enforcement role in the apprehension, custodial care or security of those who are detained. With the National Guard providing surveillance and logistical support, Border Patrol agents will be free to concentrate on law enforcement functions of border enforcement. The support of tactical infrastructure engineering and technology by the National Guard will be a tremendous force-multiplier, expanding the enforcement capacity for the Border Patrol, while freeing up additional Agents who are performing some of these support tasks today.

As I noted before, the Border Patrol and the National Guard have an established relationship going back nearly two decades. Guard units and personnel have been supporting counter-drug operations, in addition to conducting missions ranging from engineering support to aerial reconnaissance. In San Diego, the National Guard has worked on the San Diego Border Infrastructure System, and in Arizona, the National Guard has constructed roads for use by the Border Patrol. For nearly two decades, these types of missions have been utilized as valuable training for National Guard personnel, and have been conducted as part of the Guard's annual training. The results of these missions have greatly improved the Border Patrol's ability to access terrain and enforce the law between our Nation's ports of entry, and the President's plan builds on this successful relationship.

We recognize the challenges that lie ahead. Our goal is nothing less than to gain, maintain, and expand operational control of our Nation's borders through the right mix of personnel, technology, and tactical infrastructure. The assistance of the National Guard and our federal, state, local, and tribal law enforcement partners will greatly enhance our ability to effectively and efficiently protect our Nation's borders.

The men and women of U.S. Customs and Border Protection face these challenges every day with vigilance, dedication to service, and integrity as we work to strengthen national security and protect America and its citizens. I would like to thank you for the opportunity to present this testimony today. I look forward to responding to any questions that you might have.

Mr. ROYCE. Thank you, Chief Griffen.

The Border Patrol budget has tripled from 1995 to 2003, from \$1 billion—actually, in 2000—to \$1.74 billion in '06. That's a 64 percent increase for that period of time.

I think that all of us here on either side of the aisle can agree that despite the increase in resources, more needs to be done as

there is chaos in some sectors and the border still remains very, very porous.

One of the challenges you face is the sophisticated crime cartels. I was going to ask you to describe the operations of the cross-border drug cartels.

Are they evolving? Give us some information on that, if you will, Mr. Griffen.

Mr. GRIFFEN. What has occurred here within the San Diego Sector area of responsibility, it's not so much where there's a separation between a criminal cartel that only traffics narcotics versus a criminal cartel that only traffics human cargo. But many times, a criminal cartel will conduct business involving both enterprises. And they are structured in such a manner, in a hierarchical organizational structure, so that they can support doing both of these criminal enterprises. It is very sophisticated.

For example, just here, within the San Diego Sector area of responsibility, between the San Ysidro port of entry and the Otay Mesa port of entry area, which encompasses approximately five miles of interborder responsibility, in one of our most complete tactical infrastructure packages, where we have primary fencing, secondary fencing, all-weather roads, maintenance roads, stadium lights. And also, just within the last 30 days, electronic monitoring visually of our borders through remote surveillance system. We will have spotters on the south side, employees of these criminal cartels, using binoculars and other devices to observe our agents, and they will have walkie-talkies and cell phones and they will actually coordinate anywhere from 8 to 10 groups crossing the border simultaneously. They may direct three to four groups here to our west. They may direct three to four groups to effect entry in the middle. They may effect entry of three to four groups to our east.

Mr. ROYCE. Let me ask you another question, Chief.

As you know, each year hundreds of aliens from countries known to harbor terrorists or promote terrorism are apprehended attempting to enter the country illegally between the ports of entry. Could you walk us through the procedure for handling "special interest" OTMs? In particular, I'm curious as to whether when a special interest OTM does not appear in the available terrorism database, are they still treated like others and issued a notice to appear? That's one question.

According to a Border Patrol document from '05 in the San Diego Sector alone, you had the following apprehensions: Nine from Afghanistan, 7 from Iran, 15 from Iraq. And that's just a sampling. I was going to ask you, how concerned are you to see these individuals in San Diego? And what more do you think needs to be done to bring down the number of special interest OTMs that are apprehended?

Mr. GRIFFEN. Specific just to the San Diego Sector area responsibility, Chairman, this current fiscal year, we have apprehended roughly 108,000 illegal aliens attempting to effect entry through the San Diego area group responsibility.

Mr. ROYCE. Excuse me?

Mr. GRIFFEN. 180,000 roughly through fiscal year, year to date. Of that total, approximately 900 are what we consider OTMs. Their

origin or their place of birth is from other than Mexico. So that's 8/10ths of 1 percent of the overall.

We've only apprehended from the San Diego Sector area of responsibility 47 of what you refer to as "special interest aliens" who come from special interest countries, and there are currently 35 of them have been documented by the Department of State.

Each one of these encounters is been handled very carefully. They go through an incredible screening process and protocols, both locally, regionally and nationally, working with the FBI and the Joint Terrorism Task Force. Not until everything has gone through this complete package of vetting to assure that there's no nexus or association with terrorism do we reach final disposition of that case.

All these 47 are mandatorily detained and then are returned through deportation proceedings back to their country of origin.

Mr. ROYCE. Thank you, Chief Griffen.

We'll go to Mr. Sherman.

Mr. SHERMAN. Thank you, Mr. Chairman.

I want to pick up where you picked up at the beginning, and that is how we clearly need more Border Patrol officers.

Now, as the Chairman stated, we had a large increase in the number of Border Patrol officers in the last part of the last decade. And I did show the audience the larger version of the chart awhile ago that showed that we had a real ramp-up in the size of the Border Patrol in the 4 years right before 9/11. And then right after 9/11, or the years after 9/11, we had a much slower increase in the Border Patrol nationwide.

Now, we had a bill before our Congress just last December that would have increased the number of Border Patrol officers by 3,000 a year for 4 years for a total of 12,000 provided the Border Patrol with a new training facility and increased the pay of Border Patrol officers from GS 11 to GS 13.

I'd like to ask you, Mr. Griffen, do you have enough Border Patrol officers to take care of your sector here?

Mr. GRIFFEN. No, Mr. Sherman, we do not. I don't think you could ask any sector chief across the southwest border that would not welcome additional resources.

What we advocate, what we feel is the most effective, efficient advance to gain operational control of our nation's border, and I'll tailor it to the southwest border, is a balanced approach with respect to increase in personnel, technology, and tactical infrastructure, which will be accomplished through the support and secure border initiative, which will strengthen border security not only between the ports of entry, but at the ports of entry.

And then it has to be supported by intelligence-driven, threat-based operational planning. We need to develop the capabilities, which we have here in San Diego with predictive modeling, which we can, to an extent, predict traffic trends and patterns, so we can more strategically and economically deploy our resources to maximize operational effectiveness.

Mr. SHERMAN. Mr. Griffen, I thank you for your attention to how to reuse the resources that are available to you most efficiently.

But I should point out that we do need more Border Patrol officers, as you've said. And that that bill that was before us, with

3,000 additional Border Patrol officers per year for 4 years and a new training facility and the increase to GS 13, all of us on this side voted for it, and all of our Republican colleagues voted against it.

I would like to shift to detentions of “other than Mexicans.”

We have recently passed a bill that’s 5,000 beds short of what we promised the country when we adopted the 9/11 Act.

Do you have enough detention beds to deal with the “other than Mexicans” apprehended in your sector?

Mr. GRIFFEN. Within the San Diego Sector area of responsibility, with respect to bed space, it’s not the issue here that is perhaps at other locations along the southwest border.

What we have done here in San Diego, we developed our alien detention and removal facility. It’s a 64-bed facility, with additional beds being constructed.

What that gives us, we have the ability, legally, to detain somebody short-term up to 72 hours. Many times when you want to set somebody up for prosecution/deportation, they will have to be transferred to a long-term detention facility, but a bed may not be available.

With the discretion afforded to us by the 64-bed facility, outside here of San Diego Sector, gives us some wiggle room. we can hold somebody 48 hours or longer until a bed space does become available.

Mr. ROYCE. Just to clarify, the bill which my Ranking Member speaks was not a bill. It was a recommittal motion in substitution for a Republican initiative on border security.

It probably is factually correct that Democrats voted against—Democrats would vote for it, Republicans would vote against it. But Republicans would not see anything that was in that motion. All they would know is that was an attempt to block the border security bill that would be up at that moment that would substitute, and we could debate that but—

Mr. FILNER. Did you say you voted against it before you voted for it?

Mr. ROYCE. I would say it was not actually a bill. It was a motion to recommit and not take action on the Floor that day. Whatever you put in language and verbiage as part of that motion is what some Members would then say that is the action taken. But in point of fact, what would have been up that day was a question on a border security bill. But we could debate that.

Mr. SHERMAN. Mr. Chairman, if I could just interject. So only one side could speak to this issue, Mr. Issa?

Mr. ROYCE. Listen, I’ve got the gavel over here and I’m yielding to you, Mr. Sherman.

Mr. SHERMAN. Okay. Thank you.

A motion to recommit is a legislative vote. It is a statement that we should adopt what is set forth in the motion to recommit. And this vote that I bring to the attention of the Subcommittee is just one of a roughly dozen different votes in which Democrats demanded more funding for the Border Patrol and we got outvoted every time.

Mr. ROYCE. And reclaiming my time.

I'm explaining that there was a border security bill on the Floor. That the Members of the opposing party did not want to vote for it, so they announced a motion to send back to the House and not take action that day and then wrote up what that motion would be. I don't think any Members at that time would be fully cognizant, since it's a procedural vote in order to delay action that day. But that's my——

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to add to the record a list of 10 different occasions in which virtually every Democrat voted for more funding for the Border Patrol and virtually every Republican——

Mr. ROYCE. Without objection we'll do that. We will explain that was a motion to recommit and put it in the context of the other alternative bill. But we're going to get back to the procedure at hand which is to recognize our Vice Chairman, Mr. Issa, for his question.

Mr. ISSA. Thank you, Mr. Chairman.

And focusing back the issues of today, if I heard you correctly, Chief, basically, using round numbers, 100,000-plus illegals, 1,000-minus were other than Mexican, and 47 were high-risk of some other country?

Mr. GRIFFEN. Yes.

Mr. ISSA. So back to the issue of resources.

Do you have enough resources to cover 1,000 non-Mexican illegal crossers and 47 special interests, if that were all there was?

In other words, are you sufficiently staffed to cover less than 1,000 people that need to be looked at very differently than the average day worker, tomato picker, border crosser?

Mr. GRIFFEN. Yes, sir, we would be.

Mr. ISSA. Okay, so if I can characterize, what we have is we have a problem of an out of control border of people primarily coming here for work and for immigration illegally that you deal with that swamps you every day.

Is that correct?

Mr. GRIFFEN. Yes, sir.

Mr. ISSA. Okay, because I mean, I think when we look at a comprehensive fix to the immigration, what we're looking at is to how to give you the opportunity to deal with all these needles, not the hay, that we swamp you with.

Let me ask you a couple of questions that are related to the San Diego Sector.

You said that the criminal cartels are working in a very quasi-paramilitary fashion. They're scoping out what they're doing and sending a crossing in a coordinated way to swamp you.

You said that they, if I understand correctly, that whether it's drugs or other contraband or people, they don't care. They normally operate at both industries?

Mr. GRIFFEN. That can be an occurrence, yes, sir.

Mr. ISSA. Therefore can I presume that if they'll take people or packages of stuff, they don't really care whether there's a dirty bomb in there or an al-Qaeda agent. Basically they move people and bags of things.

Is that right?

Mr. GRIFFEN. That would be a correct assumption, yes, sir.

Mr. ISSA. So this criminal cartel is in fact a major threat to the security of America because they operate, if you will, leaving us vulnerable for the latter two in addition for the first two.

Mr. GRIFFEN. Yes, sir.

Mr. ISSA. And relative to enforcement, and this is an area you're probably aware I'm focusing on, my understanding is that from an internal document that was made public, that as little as 6 percent of the Coyotes, the actual traffickers that are apprehended by your Border Patrol agents are likely to be prosecuted for any charge whatsoever including being in the country illegally,

Is that correct?

Mr. GRIFFEN. With respect to those exact figures, I would have to get back to you on that. But I would like to respond—

Mr. ISSA. Sure. And you can give me a figure that you think is ballpark. If it's 10 percent, 15, 20.

Mr. GRIFFEN. Let me respond, at any time that we design and implement an operational plan to gain control of a specific target area within our area of responsibility, part and parcel of that critical integral is the prosecution segment of this enforcement plan. Prosecutions create the consequences to deter illicit activity.

Here in the San Diego Sector within the southern jurisdictional district of which has oversight for the San Diego Sector, El Centro Sector, a small segment of Yuma Sector, the guidelines changed in December 2004 where that adversely impacted our operations here in San Diego focused on foot guides. Foot guides are the foot soldiers for the criminal cartels that traffic cargo, narcotics, and contraband across our border. With this change in guidelines, within that the preceding year, we have prosecuted 367 foot guides. When the guidelines changed in December, I believe it was December 7, 2004, so that left 10 months of the next fiscal year, fiscal year '05, we prosecuted 5. We went from 367 to 5.

What would happen then, we would apprehend people that were guiding people across the country, many times at risk. And without meeting prosecution guidelines, they were simply voluntarily returning back to Mexico where they could continue to conduct illicit activity. There is no level of consequences.

My understanding, and we'll take this discussion further, is that each judicial district has the autonomy to develop their own prosecution guidelines.

I simply would suggest for consideration that there would be some consideration given to standardizing that approach, a more uniform approach across the border so that we aren't unintentionally creating additional vulnerabilities.

Mr. ROYCE. Mr. Filner?

Mr. FILNER. Chief, thank you for being here. Good to see you again.

Mr. GRIFFEN. Thank you, Mr. Filner.

Mr. FILNER. As you know, there's a certain amount of partisanship going on here. I think we all, on both sides of the aisle, support the efforts of your men and women, and I want you to convey that to them. We support them daily in what they do, because they're on the front lines.

Mr. GRIFFEN. Thank you very much, sir.

Mr. FILNER. Do you have responsibility for enforcing the employer sanctions?

Mr. GRIFFEN. No, sir. That would be——

Mr. FILNER. Who does that?

Mr. GRIFFEN. That would be the responsibility of Immigration, Customs and Enforcement—ICE.

Mr. FILNER. So a whole different group? Border Patrol does not look for illegal employers?

Mr. GRIFFEN. Our focus is on border enforcement. However, if Immigration, Customs and Enforcement, we have a great relationship here in San Diego with the ICE office, if they make a request, resources are available, we certainly will honor their requests and support them to the best of our ability.

Our focus, Congressman, is on the border.

Mr. FILNER. I understand that. Everybody here has said something about a magnet. If you're not turning off a magnet for illegal immigrants, your job is going to be that much more difficult.

Mr. GRIFFEN. Going back to Congressman Issa's question, there has to be a continuum from the border extending all the way to the interior whether it be only Nebraska or whatever.

Mr. FILNER. So you don't see that continuum, is that what you said earlier?

Mr. GRIFFEN. Not to the level that it needs to be, no.

Mr. FILNER. Okay. The directive of December '04, which was post-9/11—was it '04 or '03? You said that changed the guidelines for——

Mr. GRIFFEN. December of '04.

Mr. FILNER. That was post-9/11?

Mr. GRIFFEN. Yes.

Mr. FILNER. And you said that should not be concentrated on because they weren't going to be prosecuting these guides, is that how you phrased it?

Mr. GRIFFEN. No, sir. Due to the change in guidelines, it became more strict. So in the past a foot guide that had been apprehended might meet guidelines to be prosecuted, and they no longer——

Mr. FILNER. So you went after other people instead of these foot guides.

So you were prevented from doing a real important job.

What is your impression of our enforcement of employer sanctions?

Mr. GRIFFEN. What's that, sir?

Mr. FILNER. What's your impression of your department's—not the Border Patrol, but Homeland Security's enforcement of employer sanctions?

Mr. GRIFFEN. I think the Department of Homeland Security is very much focused on our priority mission which is to prevent the entry from terrorists, terrorist threats from coming across our border. So it's between or at the ports of entry.

However, I think there's attention being given to interior enforcement. So the secured border initiative, they're going to enhance border security and also strengthen——

Mr. FILNER. You don't have to defend that policy. I'm just asking for your operational thinking, because you said the continuum of enforcement is really important for your job.

Mr. GRIFFEN. Yes, sir.

Mr. FILNER. Wait, let me finish.

Were you aware of the statistics that we heard several times; that only four people were prosecuted a couple of years ago for illegal employment in the whole nation, and only three fines were sought across the whole nation? Are you aware of that?

Mr. GRIFFEN. No, sir, I was not.

Mr. FILNER. Doesn't that make your job tougher if they're not enforcing those laws?

Mr. GRIFFEN. Yes, sir.

Mr. FILNER. Thank you.

Mr. ROYCE. Mr. Poe?

Mr. POE. Thank you, Mr. Chairman. I appreciate, of course, the work that our Border Patrol does.

And let me ask you a specific question.

How far do you patrol inside the border? Mexico-Texas or Mexico-California border? How far do you patrol? Is it 25 miles? Is it 30 miles? How far do you patrol in the interior?

Mr. GRIFFEN. Within the San Diego Sector area of responsibility, we have 60 miles of linear land border that we share with Mexico. And up the coastline of California, extending north from the coast from to the border, it's 91 miles that encompasses inland.

Mr. POE. Let me ask you this question. Just a second.

My question is, from San Diego to Brownsville, Texas—Border Patrol is all there—how far in the interior do you patrol, as a general rule? Is it 25 miles? Is it 100 miles? Or how far is it?

Mr. GRIFFEN. Well, our focus is on the border, but we also have strengthened our defense posture, so we do work areas away from the border, many times in collaboration with others.

Mr. POE. How far?

Mr. GRIFFEN. In San Diego Sector we have San Fernando checkpoint, the transit checkpoint, 70 miles away from the border.

We do postoperations at LAX, Los Angeles International Airport, John Wayne Airport, Ontario Airport.

We also work with El Centro Sector in the east, and do traffic check operations at I-10, I-40 leading out of the State of Arizona.

Mr. POE. Who patrols after that line of demarcation?

Who patrols the interior of the United States? It's not you all.

Mr. GRIFFEN. No, sir, we're responsible for interior enforcement with the Immigration and Customs Enforcement.

Mr. POE. Does the Border Patrol have a policy as it pertains to military incursions? In other words, Department of Homeland Security chief has denied that occurs even though there have been 231 recorded instances of people dressed up like Mexican military, vehicles coming into the United States in the last 10 years. Does the Border Patrol have a policy if they incur some foreign power in their military vehicles coming to the United States? Do you have a policy?

Mr. GRIFFEN. Yes, we do. In San Diego Sector, this current fiscal year, Congressman, we've had three incursions—two on land and one by air.

These are very dangerous situations for officers' safety because you do not know whom you are encountering. They have to be treated very carefully.

Mr. POE. What's the policy?

Mr. GRIFFEN. Number one, we have to control the air.

We have to talk cross-border with Mexico to find out if they have information on it. Investigation, all the information we have is shared with Mexico so they can investigate to let us know what's going on.

Mr. POE. Don't interrupt me.

Let me ask you a specific question. You have a military vehicle coming in from Mexico. What do you do? Do you call the Mexican Government? Or do you shoot? Do you run? Do you call the marines?

What do you do if that occurs?

Mr. GRIFFEN. If it happens in a remote area, we will call, we will seek cover, and try to confine the area just to the point of encounter.

We communicate cross-border what is going on here. We have conversations with Federal, State, and local entities on the south side, can you explain to us what exactly what is going on.

Mr. POE. Thank you.

Mr. ROYCE. Congresswoman Zoe Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman.

I actually am a Member of the two Committees of jurisdiction, the Judiciary Committee, I'm a Member of the Immigration Subcommittee, as well as the Homeland Security Committee, and rank on the Intelligence Subcommittee. And we recently did have a hearing on the intelligence and the border.

And we were actually told in the Intelligence Subcommittee that we should direct our attention when it comes to terrorism to the northern border. We have over 5,000 miles of Canadian-United States border and at any one time about 200 Border Patrol agents on that 5,000 mile border. Anybody can walk across, swim across, crawl across, with pretty much impunity, whereas you all have a pretty—I mean, you're doing a hard job here, and I commend you and I thank you for your efforts. And you need more resources. But when you compare your resources to the Canadian border, I mean, there's no comparison.

I want to ask you about the National Guard.

Recently, the President asked that the Guard be allocated. Our Governor did allocate some. He said we're slow with that.

He just got on the news today that there's—I think there's 483 national guardsmen that have actually arrived at the border despite all the to-do about it.

Can you tell me, are these guys going to be typing? Are they going to be patrolling with you? Are they trained to do that? Is this going to help in any way?

Mr. GRIFFEN. Very much, sir——

Ms. LOFGREN. I'm ma'am.

Mr. GRIFFEN. I apologize.

Very much so. If I can just preface a comment.

San Diego Sector's enjoyed a long and prosperous relationship with the California Guard dating back to 1989. Each and every year since that time, they deployed personnel to our border in operations referencing counternarcotics missions.

They have provided an integral role in billing tactical infrastructure here in the San Diego Sector. They have certainly—we could not have accomplished the raised level of our security that we do and enjoy here today in San Diego, although there's much work to be done, without the help and support of the California Guard.

Ms. LOFGREN. My time is about to run out. I don't want to be rude, but I wanted to follow up with a question on the prosecution issue.

Mr. GRIFFEN. With reference to Operation Jumpstart, primarily they'd be supporting us in two areas: One is tactical infrastructure and also one is observation position.

Ms. LOFGREN. I want to ask about the prosecution issue. Because we have a bipartisan basis and through the Judiciary Committee enhanced the penalties for human smuggling. You know, it's against the law. And I actually—I'm shocked to hear that there's some guidelines that have limited that prosecution, because sometimes there's a problem and I think America understands there's an issue here that needs attention. And Congress, rather than allocating resources and looking at implementing the laws we have, gets into some dumb fight about a whole bunch of new laws when we could actually look at enforcing what we have. And I'm just shocked that we're no longer enforcing these smuggling laws, according to the guidelines.

Mr. ROYCE. Time has expired.

Mr. Griffen, do you want to sum up?

Mr. GRIFFEN. Please.

One thousand, three hundred and twenty-four prosecutions, which is alien smuggling prosecutions, have remained relatively constant, preguideline change and postguideline change.

The area that impacted us was 8 U.S.C. 1326 which was reentry after deportation. That was the charge that was used to prosecute foot guides because it did not rise to the level for alien smuggling. So we used this charge to prosecute and remove them from our enforcement environment.

The change in guidelines impacted the prosecution in this particular area.

Ms. LOFGREN. U.S.C. what? 1327.

Mr. ROYCE. Thank you. We're going to go now to Mr. Hayworth.

Mr. HAYWORTH. Thank you, Mr. Chairman.

Again, I would renew my invitation to join me in the Enforcement First Act, because, again, we realize it is enforcement of existing laws and closure of loopholes that is the key to effective border security and national security.

Chief Griffen, I've spoken to members of the Border Patrol in Arizona who are both overwhelmed and frustrated, overwhelmed by the constant flow of illegals invading our country each day, and frustrated by what has been described to me as an intraagency bureaucracy that stifles an agent's ability to do his or her job.

In your opinion, are we using our technology resources to their fullest potential, and are there any intraagency policy changes that could be made to immediately increase our agent's ability to apprehend illegal crossers?

Mr. GRIFFEN. In San Diego Sector, if I could just mention, our one need, or you could say vulnerability, is a lack of a complete detection of technology system.

We need to have the ability, not just in the San Diego Sector, but all along the southwest border, to electronically monitor our border—ideally, visually—with the Operation Jumpstart, with the stand-up to what's called Remote Visual Surveillance System here, we have nine miles of electronic monitoring of our 60 miles. We're going to deploy the National Guard in these overwatched positions with entry identification teams. That's going to be like a human monitoring system which will be able to detect illegal entries, communicate to the Border Patrol so we can respond in a more timely manner to apprehend.

But if there's one need that we need, Congressman, is the technology for detection purposes so we can electronically monitor and detect all illegal entrants.

Mr. HAYWORTH. So the technology as a force multiplier is absolutely important.

Mr. GRIFFEN. Yes, sir.

Mr. HAYWORTH. As you know, some have offered the comparison as enforcement has gotten tighter in certain sectors such as San Diego and along the Texas border, almost like a toothpaste tube. Arizona has become ground zero, really in terms of the illegal invasion.

What would you say are the most prominent factors that have removed the illegal traffic once so overwhelming the California's southern border and instead moved it east to Arizona's border?

Mr. GRIFFEN. It's the three principles of any operational plan: Personnel, technology, and tactical infrastructure. And I know each and every one—I know Congressman Royce has had an opportunity to patrol our border, ask some questions, as of course has Mr. Filner and Ms. Davis.

Tactical infrastructure has been an incredible force multiplier to withstand our enforcement capacity, along with additional resources. But that being said, granted a majority of traffic coming across the southwest border is going through the State of Arizona, but their traffic and Border Patrol environment is dynamic, ever-changing. We are already been experiencing evidence that there's some displacement of that traffic in the State of Arizona returning back to the State of California. We have a 23 percent increase in apprehensions this year, right here, in San Diego Sector.

Mr. ROYCE. Mr. Becerra?

Mr. BECERRA. Mr. Chairman, thank you very much.

Chief Griffen, thank you very much for your testimony. And we apologize that we can't go through your responses and questions as well, but we're limited with time.

Let me also say to you, on behalf of all the men and women, thank you very much. Not all can be here, but those who are here. We want you to know whether we bicker, politically or otherwise, I think we appreciate all of you and the professional way that you do it. So disregard anything that looks like there's a lack of comity here. At the end of the day we'll hopefully do the right thing to help you all.

Give me a real quick response to a couple of quick questions.

In the best of all worlds, so we can hopefully come out with some information that will hopefully be helpful for you, if you could ask for a piece of equipment, a device, a tool, anything that would help you here in the San Diego Sector do your work more effectively, what would that one thing be?

Mr. GRIFFEN. Can I make it two things?

Mr. BECERRA. Two things.

Mr. GRIFFEN. Number one would be, as I mentioned to Congressman Hayworth, we need to have the ability electronically to monitor our borders.

Mr. BECERRA. Give me what they are. Otherwise I won't—

Mr. GRIFFEN. Remote surveillance—

Mr. BECERRA. What was that?

Mr. GRIFFEN. Remote video surveillance system.

And number two. Discussing specially here to the San Diego Sector, is tunnel detection technology.

We've had 22 tunnels discovered—

Mr. BECERRA. We know the problem.

So those two things you don't have enough of?

Mr. GRIFFEN. No, sir.

Mr. BECERRA. Do you have anything at all?

Mr. GRIFFEN. Tunnel detection we don't have any, sir.

Mr. BECERRA. Personnel-wise, we know you need more officers.

Personnel-wise, what would be, in the best of all worlds, and here you could tell me if it's more pay, if it's less overtime, whatever it is, just give me one or two things that your personnel needs so we—what is it that your personnel needs?

Mr. GRIFFEN. Simply additional personnel, first and foremost, and that each additional personnel member has the equipment—requisite equipment necessary to do his or her job to the fullest of their ability.

Mr. BECERRA. What's your current level, force level, here in the San Diego Sector of agents?

Mr. GRIFFEN. Currently, our officers' core staffing level here in San Diego is 1,590.

Mr. BECERRA. Now, didn't you use to have well over 2,000 before?

Mr. GRIFFEN. Yes, sir.

Mr. BECERRA. So you've actually gone down in the last several years?

Mr. GRIFFEN. Yes. But it's a balanced approach, sir. As personnel staffing levels have attritioned here, tactical infrastructure has enhanced, and it balances out.

Mr. BECERRA. You could use some of these agents that you lost from previous years?

Mr. GRIFFEN. Yes, sir.

Mr. BECERRA. Final question, and it was alluded to before.

Prosecution of folks who are hiring individuals who don't have a right to work here, my understanding is the latest statistics I have here from 2004, there were 46 employers prosecuted in the entire nation for hiring the millions of people that are in this country without documents and working here. Is that going to help you for prosecuting 46 employers who are hiring folks who don't have a right to work in this country?

Mr. GRIFFEN. No, sir.

Mr. ROYCE. Congresswoman Blackburn.

Mrs. BLACKBURN. Thank you, Mr. Chairman. Thank you, Chief, for your time. I appreciate what you have to say about a unified seamless enforcement effort, and I do agree with you that the partnerships at the State and local level are going to be tremendously important there in my State of Tennessee. That's one of the things that we regularly hear.

And I know they would agree with what you've said about an intelligence-driven threat-based system for border security and that being necessary for our national security. Because one of the top problems we hear about from our law enforcement in Tennessee is the drugs, the dirty meth, the human trafficking, the weapons, that they are interdicting and finding on our highways. And then that causes every town to become a border town and every State to become a border State. And we know we are seeing that in each and every one of the 50 States. So I appreciate your comments there.

Couple of quick questions, and I'm going to yield back so we can move this on.

With your Operation Jumpstart, to be sure I'm understanding, you are using your national guardsmen to supplement your electronic monitoring?

Mr. GRIFFEN. Yes, sir. And the use will be called "Human Monitoring System."

Mrs. BLACKBURN. Great.

How many of the national guardsmen do you anticipate having here in the San Diego Sector and for how long?

Mr. GRIFFEN. Governor Schwarzenegger has deployed roughly, or will be deploying, roughly 1,000 California guard troops to the California border in support of San Diego Sector to the west and El Centro Sector to the east.

We have to stay dynamic and be fluid. So there might be 400 in San Diego, 600 in El Centro. And as the threat level changes, that has to adjust. So that has to stay very fluid.

Mrs. BLACKBURN. Okay, for how long?

Mr. GRIFFEN. I believe we have their commitment through the end of 2008, December.

Mrs. BLACKBURN. 2008. And I'm assuming the rules of engagement are clearly defined on that?

Mr. GRIFFEN. Yes, sir.

Mrs. BLACKBURN. Okay, thanks.

And also, to circle back, as we were talking about the cartels and the foot guides, it seems, if I understood you right, if we ended the habit of catch-and-release, that that would be of tremendous benefit for you.

Mr. GRIFFEN. Yes. To me, the foot soldiers in this effort to gain control of our nation's border, an important component in this are the foot guides. And the more that we can identify and remove, the advantage goes to us versus to our adversaries.

So this is an integral component of the cartels that traffic, whether it's human cargo, narcotics or contraband, across our border.

Mrs. BLACKBURN. In addition to that, you said Federal legislation are defining the penalties of the Federal level as proposed to having it done by each judicial district?

Mr. GRIFFEN. I would just suggest the consideration that the guidelines are a little bit more standardized across the border so it doesn't allow our adversaries to play one judicial district against the other.

Mrs. BLACKBURN. Against the other.

Thank you.

Thank you, Mr. Chairman.

Mr. ROYCE. Thank you.

Congressman Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Your primary responsibilities and that of the fine men and woman that work with you and for you is the border?

Mr. GRIFFEN. Yes, sir.

Mr. GRIJALVA. So let me kind of ask the question of what this Committee's area of jurisdiction is and see if it works.

One of the issues that have come over and over again is the organized crime and smuggling that's going on in the border, whether it be human, drugs, et cetera. And you confront that on a daily basis and from the men and women who work the Arizona, the Tucson Sector, the Yuma Sector—same issue. We're up against a very well-sophisticated, well-financed criminal operation on the other side?

Mr. GRIFFEN. Very much so.

Mr. GRIJALVA. And I said at my opening statement that part of the long-term solution, and maybe you can just react to this comment, and more than a question, is that we have to begin to talk about internalizing part of the solution to what's going on in the border. The laxity, the lack of a shared responsibility over enforcement of security on the part of our neighbors to the south I think is a real concern to me, and I don't know how you feel about it.

But as the sector chief here, as we move toward a solution and a security issue on the border, I think the international solution—the international relations has to be part of it. Because you not only need the cooperation, but you need the strength of the enforcement on the other side of the border.

So let me just leave that as an open-ended question for you to comment on, sir.

Mr. GRIFFEN. I support your statement there.

International border is just that. It's a shared border. And both countries, in this case United States and Mexico, must engage to ensure a safe and secure border. A secure border is a safe border that has benefits to both countries involved.

We have, in the Border Patrol, implemented a cross-border prosecution program called "Oasis" in the San Diego Sector that we implemented in March of a year ago. In that period of time, we have turned over to the country of Mexico 82 foot guides who were arrested; are going through the judiciary process for the prosecution for smuggling. That is 82 people less that are currently conducting illicit activity within our enforcement environment that has been a benefit to us, as a country, and to everything we do along the border.

Secondly, we just recently conducted a 60-day pilot program where the country of Mexico provided a uniform presence along the

border at high-risk areas. For those 60 days, assault against our men and women decreased 58 percent. That has value for us.

So certainly cross-border cooperation to make a secure and safe border is a component that needs to be——

Mr. GRIJALVA. And, thank you, because I believe that's part of the long-term solution, both on the humanitarian side and on the enforcement side, and I appreciate your comments, sir.

Mr. GRIFFEN. Thank you.

Mr. Rohrabacher.

Mr. ROHRABACHER. Well, first and foremost, Chief, again, congratulations to you and to your personnel under your command for doing a job that's been an arduous job. Perhaps an impossible job. But you've been doing it with dignity and courage and honor, and I just salute you and all the people under your command and here in the Border Patrol.

Mr. GRIFFEN. Thank you very much.

Mr. ROHRABACHER. I wish you'd get the kind of backup you need. And I'm not just talking about, frankly, increasing your budget by a few dollars or increasing a few extra people.

Let me ask you, Chief, I mean, no matter how many people we give you, if we're still giving free education, free healthcare, free, for example, housing subsidies, free food to people's children if they can get across the border, plus jobs that they take from American people, we can increase your number. I mean, you can double the number of agents, and you still couldn't get this invasion turned around, could you?

Mr. GRIFFEN. No, but it sure would be a step in the right direction.

Mr. ROHRABACHER. It would be a step in the right direction.

But that's what the American people have got to understand. If we're not backing you up with the policies that create the magnet for these people to come across, and my Democratic colleagues will always bring up jobs, and I agree with them on that issue, I just wish that they would understand that jobs are not the only magnet.

When you give someone free healthcare and free education and free food for their kids when they're in our schools, we give them subsidies—we include them in Social Security, there is no way that we're going to solve the problem at the border because it makes your job impossible.

And let me note, for all the votes we're talking about here, yes, the President of the United States has not been doing his job. Many Members of Congress have not been doing their jobs, on both sides of the aisle. But those of us, including Mr. Bilbray and myself and several others, including the Chairman today, I might add, today, who've been struggling with this issue over the years have never found our colleagues on the other side of the aisle willing to ever address the magnet end of this in terms of the free services that provide a huge magnet for people to bring their families over with them.

Let me ask you this. When we've talking about law enforcement—I see that we have Sheriff Baca with this who we've worked very closely with on this—right now, if Sheriff Baca catches somebody up in Los Angeles for committing a crime, what happens?

Does he just send them back and you have to stop him when he tries to come across the border again? Is that what we're talking about? And we don't throw these people in some prison here in the United States?

Mr. GRIFFEN. With respect to civilian law enforcement agencies, and I'll be specific here to San Diego, removed from the border area, if they were to encounter somebody that—or had evidence that somebody was here illegally, here in the United States, they would encounter him or her. They would either contact Immigration, Customs and Enforcement to respond to take custody of that individual, verify his or her status and then take custody——

Mr. ROHRABACHER. And then send them back across the border? And then we send them back across the border?

Mr. GRIFFEN. If there's nothing to validate a deportation proceeding or criminal proceeding, then yes.

Mr. ROHRABACHER. We need imprisonment and hard labor——

Mr. ROYCE. We're going to go to Ms. Davis. Time has expired. I'm going to remind the Members to stay within your time frame.

Mrs. DAVIS. Thank you.

Thank you, Chief Griffen, and Ms. Fasano for being here as well. And thank you for your leadership.

A number of issues have been raised. I want to go back to a few of them.

Ms. Fasano, could you just give us a better understanding of the number of agents under ICE that enforce work-related issues and work enforcement? How many do we have, the number of cases that have actually been brought before ICE have been mentioned? What numbers are we talking about?

Ms. FASANO. Actually, that's within the jurisdiction of the Immigration and Customs enforcement and not the under the direction of the CBP so I don't have any information available.

Mrs. DAVIS. You don't have that? And you have no—there's no interface with that information and the information that you have that Chief Griffen has?

Mr. GRIFFEN. We could certainly speak on behalf of special agents in charge of the ICE office here. They certainly, as us, would welcome additional research so that they could provide a better level of service to the community at large. No questions asked.

Mrs. DAVIS. Thank you.

Chief, you mentioned two things that are important. The work that you do be intelligence-driven, and the officers have kind of a range of disciplines. That you need techniques as well as border enforcement agents.

Can you tell me why you haven't had that? Is there some trick to be able to get the kind of a multidisciplinary approach that you're asking for and that your work be intelligence-driven? What's holding it back?

Mr. GRIFFEN. Let me assure you, we are advancing for it in our efforts here within the San Diego Sector.

With respect to developing a multidiscipline workforce, that's a responsibility of the individual sectors. What we do here is we expose our agents to other organizations, for example, the ICE Human Trafficking Unit, FBI Human Trafficking Unit, ICE

and D.A., tracking team, the Coast Guard, and many others. This diversifies and expands their skill sets which brings value back to our organization, the Border Patrol, here in San Diego Sector.

Critical——

Mrs. DAVIS. Excuse me. Do you need to request different budgetary authority to do that, or that's just totally under your authority?

Mr. GRIFFEN. Our operations is Budget Performance Plan Approach. We identify exactly what we need, both in officer core and mission support, and it goes by levels.

If we receive the resources that we request, then in return, our level of border security raises. That's the accountability that we have back to Congress, to the President, to the American public. If you give us additional resources, that level of border security must raise. And that's part of the transparency of everything that we do here.

Mrs. DAVIS. Are you getting generally everything that you ask in that regard?

Mr. GRIFFEN. This year, factoring in attrition, we'll roughly bring in 200 new Border Patrol agents here in the San Diego Sector. There will be more coming the following year and then the following year.

Mrs. DAVIS. And the National Guards people, are they taking over some of those responsibilities? And is that good, essentially? Because that might make it more difficult to get what you'll really need.

Mr. ROYCE. I'm afraid I'm going to have to go to Congressman Hunter. And then we'll go to Congresswoman Grace Napolitano, and then to Congressman Brian Bilbray.

Mr. HUNTER. Thank you, Mr. Chairman. And I want to apologize. I've got a great staff member who's had a series of strokes and he's in the hospital. So I'm going to have to—I'm going to ask my questions. I'm going to leave and go up and see how they're doing.

So let me just ask you, Chief, and, first, thank you for the great job that you're doing and the team.

But you know, the border fence is a major part of the House package. It calls for 700 miles of border fence. And basically San Diego south fence. And I think we need to remember that when we built that fence, we started building it in the early '90s and ultimately mandated the 14 miles of fence from the Pacific Ocean east—triple fence at that time.

We had armed gangs that robbed, raped and murdered—mostly illegal immigrants coming across the border. In fact, exclusively. Because people carried their life savings generally in their pockets. A group of armed robbers, sometimes with automatic weapons, would often rape the women. They would rob everybody, and at times they would kill them, to the point where we had a City of San Diego detachment that dressed like illegal aliens and would hang around at the border and wait for the gangs to attack them. And at that point, they would either have a confrontation, either arrest them or have a gun fight with them. And that was a subject of Joseph Wambaugh's best seller "Lines and Shadows."

We had a no-man's-land on the San Diego border. And we would go down and we would have lines of politicians and news media de-

plore what we would call the Bonsai attacks where thousands of people would come across at one time, where the smugglers would assemble people in military style formations at what was known as the old soccer field and they would move out promptly under the cover of darkness.

By building the border fence, and initially it was mandated by Congress to be a triple fence, we stopped that. We totally stopped all the drive-through traffic. Massive smuggling of cocaine was going on.

We took the 10 murders a year on the border down to zero with all of the assaults and rapes that were attendant to those murders and those confrontations. We put the border gangs out of business because we took away their mobility. In the old days, if they were pursued from the north, they'd move south. Pursued from the south, they'd move north. The fence worked.

And that's one thing I'd like you to comment on, because you've got commentators in the country who've never been down to the border, who have talked about—I think the Governor of Arizona said, "If you show me a 20-foot fence, I'll show you a 21-foot ladder." You've got lots of silly statements that don't—by people who don't understand how the double fence works, and how that has leveraged the Border Patrol in giving you better capability.

Now, this bill would provide for 392 miles of fencing between Calexico and Douglas, Arizona. And that is the hot zone through which most of the people are coming right now in the summer season who are going to die in the Arizona desert. My understanding is that of the 400 or so people who die historically on an annual basis, about 77 people have expired so far.

The House passed this bill and mandated that we have interlocking cameras in that sector by May 30th—already passed. The Senate wasn't even off the Floor with their bill. And we also have a piece, an early piece, in Laredo, Texas where you have massive backpack cocaine trade coming across from Nuevo Laredo.

So my question to you is very simply, as the guy who's been on the ground here, does the fence work?

Mr. GRIFFEN. Yes, it does, very much. Especially—and I'll just limit my comments to San Diego-specific.

As you alluded to earlier, during the 1980s, early to mid-1990s, San Diego was considered a gateway for illegal immigration into the United States. It was a no-man's land. Predatory violence was occurring daily. Assaults—physical, sexual—people being killed.

Multiple border barriers, especially here in metropolitan area, which was congressionally mandated in 1996 to the border infrastructure system, 14 miles through the border barrier project, in just between the ports of entry, Otay Mesa, have reduced activity by 80 percent from pretactical infrastructure to post-tactical infrastructure. It's a great force multiplier. It expands our enforcement capacity, and allows us the discretion to redeploy agents to areas of more vulnerability or at risk. It's one component that certainly has been integral to everything that we've accomplished here, raising the level of our security to the San Diego Sector, and the San Diego Sector's very appreciative of all your support, Congressman, for all you've done for us.

Mr. HUNTER. Thank you.

Thank you, Mr. Chairman. Thank you for letting me come in and make a very quick visit and leave, but I've got to go leave and see my folks in the hospital.

Mr. ROYCE. Thank you, Congressman.

Mr. HUNTER. Thank you.

Mr. ROYCE. We're now going to go to Congresswoman Grace Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chair.

Chief, I have a question about formal versus informal deportations.

Is that still in the books, that you will pick up individuals in the catch-and-release and they can come back as many times as you catch them and they can come back again, versus the formal deportation that after the third deportation formally they become Federal prisoners?

Would you verify or not?

Mr. GRIFFEN. Yes, if you're referencing informal deportations, a voluntary return back to their country of origin,

Mrs. NAPOLITANO. Correct?

Mr. GRIFFEN. Yes, the overwhelming majority of people that we apprehend request voluntary return back to their country of origin which we then provide.

Mrs. NAPOLITANO. Where do you come in with the formal deportation? What does an individual have to do or be when you actually normally deport them?

I'm leading to another—

Mr. ISSA. Are you asking for guidelines?

Mrs. NAPOLITANO. No, I want to find out who determines is on their deportation, because they don't necessarily have to go before judicial persons. They can deport them—Border Patrol can deport them.

Mr. GRIFFEN. A prior criminal conviction or an extensive voluntary return history would qualify them for deportation proceedings.

Mrs. NAPOLITANO. How many formal deportations have been made in the San Diego area or the area that you cover?

Mr. GRIFFEN. I do not have that information right now, but I certainly would give that to you—

Mrs. NAPOLITANO. Would you please enter it into the record?

Mr. GRIFFEN. Yes.

Mrs. NAPOLITANO. Chief, I was Chair of the Subcommittee on Immigration Impact in California back in the '90s for the State legislature. So I went into all of these different little things and came to find out there are no formal deportations because you have no place to put them once they get formally deported a third time. There are no Federal prisons that will hold that many people, so they are informally, or voluntarily, as you call it, deported.

How can we change that? Because if you're deporting on a voluntary basis drug dealers, rapists, or any kind of other felon, and they come back and you again informally deport them, voluntarily, we're still running the same mill.

Mr. GRIFFEN. Aggravated felons do not get voluntarily returned, I assure you that.

One issue, if we wanted to detain and set up more people for formal deportation, it's certainly going to be a bed space issue. So there's certainly going to have to be additional beds, facilities that can accommodate this quantity of workload.

Mrs. NAPOLITANO. I certainly want the people up here to know and the audience to know how many actual formal deportations. Because you have an increase in aggravated felons that will affect how we protect our homeland security.

Mr. ROYCE. We're going to go now to Mr. Bilbray.

Mr. BILBRAY. Chief, I want to thank your men and women that work down here at the border. They've put up with stopping me late at night many times down here on the roads and always wondering who that is. But I've got—I think we need to let America know some of the games that people play like the old 60s song does.

For those of us who live in San Diego County, if we're down along the border, we're used to being stopped, asked for identification, questioned, and then released. Right?

Now, when we will try to leave the county, be it Temecula or up in San Onofre, we can be stopped, asked the same things, reviewed, and discharged if the officer feels. Right?

Mr. GRIFFEN. [Nods.]

Mr. BILBRAY. The question my constituents have, if you can do that for us when we're down here and you do that up at San Onofre or Temecula, when a lady drives into Home Depot in Encinitas and ten people jump in the back of her truck and scare the hell out of her and she calls the agents and says, "Will somebody come down here and check if these people are legal?" She's told: "We can't do that."

Are you allowed to send your agents during the day, say 8 to 5, up to Encinitas on the road in Carlsbad, on Auber Road, where I live. Every day I drive down the hill, there's a line of people sitting there, if we can check there, if we check up north, tell me the argument for why we're not checking on Auber Road or Home Depot?

Mr. GRIFFEN. It's a very good question.

Mr. BILBRAY. And I've got to warn you, I've been talking to your guys. Remember?

Mr. GRIFFEN. And it's caused a considerable, considerable debate.

Responsibility away from the border, and I don't want to hand this off, but that is the responsibility of Immigrations, Customs and Enforcement. If they make a request, we have resources available, we will respond. If it's a safety issue, we will respond. No questions asked. If another agency asks for a response, we will respond. No questions asked.

But the other focus away from the border will be transportation hubs. Major routes to be addressed are airports; train stations; trolley stations; bus/taxicab stations. That is our focus.

Mr. BILBRAY. Chief, in my neighborhood, the Home Depot is a major hub. It's a community center.

Seriously my concern is, between 8 and 12, 4 hours, you really don't have the manpower? You had enough to stop us trying to leave the county. But is it too much to ask for a few agents to be able to go to places that are known to be frequented by suspected illegal immigrants?

Because what I'm seeing in my neighborhoods is sanctuary zones being created not by rogue cities, but by the Federal Government's policy.

Please explain this to me and my constituents.

Mr. GRIFFEN. As the chief of the sector, so you're talking to the commander, if we can respond to address the situation, we will. But please understand, it will have to be done in cooperation with ICE, and we will attempt to make some type of coordinated response so this issue is perhaps less of an issue.

Mr. BILBRAY. Thank you very much.

Mr. ROYCE. Thank you very much, Mr. Griffen. I want to thank you for your testimony today. Ms. Fasano, thank you as well.

We appreciate the work of all the men and women that work with you in the Border Patrol.

Mr. SHERMAN. Mr. Chairman, if I can just comment.

Our Subcommittee focuses on terrorism, and I doubt there are many terrorists at Home Depot.

Mr. ROYCE. We are now going to ask our second panel to come forward. And if you'll bear with us. We'll excuse our first panel and ask our sheriffs to please come to the microphones. Thank you very much.

[Recess.]

Mr. ROYCE. We're going to go to our three witnesses now. If I could ask everybody to please take their seats.

We have a hearing in progress, a field hearing. This hearing will come to order if everybody will take their seats, please. Let me thank everyone for being here. Let me remind the audience that this is a field hearing. Under the rules, in deference to the witnesses, we refrain from applause during a field hearing. We thank Sheriff Kolender for being with us. We thank Sheriff Lee Baca. It's a distinct honor to have them here.

Sheriff William Kolender began his career with the San Diego Police Department. He served as chief of the department for 13 years, since 1988. He's been the sheriff of San Diego since 1995. He currently represents California on the Western States Information Network, and he serves as a commissioner on the Commission for Peace Officers in Training for the State of California.

We have also with us Sheriff Lee Baca, who commands the Los Angeles Sheriff's Department, the largest sheriff's department in the United States.

Sheriff Baca is the director of Homeland Security-Mutual Aid for California Region I, which includes my county, Orange County. Sheriff Baca has served in the L.A. County Sheriff's Department since 1965.

Gentlemen, we welcome you both. We'll go first to Sheriff Kolender. Thank you, sir.

**STATEMENT OF MR. WILLIAM KOLENDER, SHERIFF, SAN
DIEGO COUNTY SHERIFF'S DEPARTMENT**

Mr. KOLENDER. Mr. Chairman, Members. Good morning. Thank you for having me here to discuss this issue. I'm going to do my best to try to make this as short as possible.

I can see the overriding complexity of the various issues that people are discussing. And we know how complex this issue is in

the various opinions of government leaders on several bills that have been introduced to Congress.

And the consensus, though, is among Federal, State and local leaders is that we need comprehensive reforms and an immigration policy that again focuses on securing our borders. And additionally, we need to address the issue of the millions of illegal immigrants that are already here in search of employment in a sensible and compassionate way.

As chief law enforcement officer for this county, I've been involved in law enforcement for just about 50 years, and I can tell you that this issue has plagued local law enforcement in our county for decades.

We are the third most populous county in the State, with 3.1 million residents living in 4,261 square miles. We go from the Pacific Ocean to San Clemente to the north and the Mexican border on the south.

We have a long history of dealing with the problem of illegal border crossers. I have personally worked there. I was chief of police that started the Barf team that Joe Wambaugh wrote about. So I'm fully aware of all the violence and issues that took place.

Although the State—the costs, by the way, of putting these people in jails has—and the equipment and administrative work associated with the detentions or arrests of the undocumented foreign-born citizens is difficult to approximate, but the figure is in the millions. And although the State Criminal Alien Assistance Program, SCAAP, as you know it, assists in reimbursing our government, there are still significant unreimbursed costs to our county.

San Diego law enforcement does not arbitrarily stop individuals solely on suspicion of immigration status while patrolling the streets of this county. There must be a reasonable suspicion of criminal activity. If there is no probable cause to arrest, the officer will complete a field interview report and release the individual. However, if during the course of the investigation the officer or deputy sheriff determines that the subject's immigration status is in question, the Border Patrol will be notified and asked to respond. And if they can respond in a reasonable amount of time, we will retain the person until their arrival, and the officer will relinquish custody of that person to the Border Patrol.

The immigration issue has polarized many citizens, as we can tell even today, in forming private groups on both sides of the issues. These opposing factions that present new challenges for law enforcement are sometimes with frequent and violent protests. Witness a May 1, 2006, nationwide march known as "A Day Without Immigrants." Thousands of people marched on both sides of this issue causing law enforcement to deploy thousands of officers to keep the peace and ensure of everyone's right to free speech. San Diego's cost alone to police these events have reached approximately over \$300,000 since 2005.

In addition to the increased cost and staff hours to address the immigration problems comes the increased risk of terrorism due to the vulnerabilities at the borders. Experts from both sides of the public and private sectors agree that the porous southwest border is an inviting avenue of illegal entry for possible terrorists.

In 2005 and 2006, there were 5 border tunnels located in San Diego. In the past year or so, 20 border tunnels—we have a picture of it somewhere here—located in San Diego County, running from Mexico to the United States. As you know, while it is known that these tunnels are primarily used to smuggle illegal drugs, the same could easily be said for smuggling human cargo to possibly include terrorists. Our national experience with controlling illicit drugs suggests that the border enforcement is at best a weak deterrent. Increased border enforcement has led drug traffickers to find new smuggling routes and develop methods that are more difficult for government and authorities to police. Similar adaptations by terrorists is expected. But that does not mean that the obvious weaknesses at our borders should not be strengthened, as Chief Griffen has described we're trying to do.

Al-Qaeda continues to be one of the largest international terrorism threats. I will try to cut some of this. Al-Qaeda has been here in the past, as evidenced by the two 9/11 hijackers that resided here during the initial planning for 9/11. This 9/11 attack has forced us all in law enforcement to focus its efforts toward this terrorist threat. Across the county, local, State, and Federal law enforcement agencies have formed these specialized antiterrorism groups and intelligence centers to combat this threat. And I'm sure that Lee Baca will say the same thing. Nationally, there are over 700,000 law enforcement officers who patrol the streets of our communities that link them, as quoted by the International Association of Chiefs of Police, "All terrorism is local."

Should prevention fail, public safety agencies play a critical role in protecting our homeland security. They're the first responders at the scene of an incident or terrorist attack. And let us not forget the first responders who were killed during the 9/11 attack.

To prevent future attacks in this county, it takes determination and aggressive law enforcement coordination on all levels. San Diego has committed itself to preventing this threat by the formation of a Terrorism Early Warning Group, TEW. Terrorism and criminal activity are most effectively an early warning system combated with a multiagency approach that encompasses Federal, State and local resources. We're talking about working with the Federal Bureau of Investigations Joint Terrorism Task Force and our own intelligence units, the TEWs, for preventing terrorism in any event that should occur. It is absolutely critical that these jurisdictions create multiagency, multidiscipline groups focusing on preventing and recovering from terrorist acts. This approach allows full interaction and real time information-sharing with all kinds of groups. I can go through them, from Los Angeles to Sacramento. It is a public safety function that all groups should be aware of.

One more point.

San Diego must not be taken off the list of Urban Area Security Initiative. There are 35 cities on that list, and I want to say that San Diego geographic location at the southwest border, our ocean and military bases in particular poses a threat. Our San Ysidro port of entry is the busiest port in the nation, if not in the world. The annual crossings coming into the United States is 50 million travelers a year and 18 million vehicles. The annual seizure rate

is 140,000 pounds of narcotics and 60,000 undocumented immigrants and 1,100 people who are wanted on criminal warrants.

Without going through the rest of this thing, I can see you are short on time, but one more comment.

As our Governor has stated, Arnold Schwarzenegger, it is our belief that national security is the responsibility of the Federal Government and cannot be passed off to local and State governments.

Thank you, sir.

[The prepared statement of Mr. Kolender follows:]

PREPARED STATEMENT OF MR. WILLIAM KOLENDER, SHERIFF, SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT

Mr. Chairman, good morning and thank you for giving me the opportunity to appear before this Committee to discuss border issues.

The immigration issue is a complex one and although there are varying views among government leaders and several bills that have been introduced in Congress, the consensus among federal, state and local leaders is that we need comprehensive reforms and an immigration policy that focuses on securing our nation's borders. Additionally, we need to address the issue of the millions of illegal immigrants already here in search of employment in a "sensible and compassionate way."

As Sheriff of San Diego County and with nearly 50 years of peace officer experience, I can tell you that this topic has plagued local law enforcement in our County for decades.

San Diego County is the third most populous county in the state with nearly 3.1 million residents living in 4,261 square miles along the Pacific Ocean between San Clemente to the north and the Mexican border to the south. As a result of our proximity to the border, San Diego has a long history of dealing with the problem of illegal border crossers.

Although most of these illegal border crossers enter our country in search of employment, some of them do commit crimes in the County and end up in our jails. The costs of staff hours, equipment and administrative work associated with the detention and/or arrest of undocumented foreign-born citizens is difficult to approximate, but the figures are in the millions.

Although the State Criminal Alien Assistance Program (SCAAP) assists in reimbursing state and local governments some costs associated with the incarceration of criminal undocumented foreign-born citizens, there are still significant unreimbursed costs to our County.

San Diego's law enforcement officers do not arbitrarily stop individuals solely on suspicion of immigration status while patrolling the streets of our County. There must be reasonable suspicion of criminal activity. If there is no probable cause to arrest the subject, the officer will complete a field interview report and release the individual. However, if, in the course of an investigation, the officer or deputy sheriff determines that the subject's immigration status is in question, the Border Patrol will be notified and asked to respond. If the Border Patrol can respond in a reasonable amount of time, the law enforcement officer will remain with the subject until their arrival. At that time, the officer will relinquish control of the subject to the Border Patrol.

The issue of immigration has polarized many citizens into forming private groups on both sides of the issue. These opposing factions present new challenges for law enforcement with frequent and sometimes violent protests. Witness the May 1, 2006 nationwide march known now as "A Day Without Immigrants."

Thousands of people marched on both sides of the issue causing law enforcement to deploy thousands of officers to keep the peace and ensure everyone's right to free speech. San Diego County's costs alone to police these events have reached approximately \$300,000 since June 2005.

In addition to the increased cost and staff hours to address the immigration problems, comes the increased risk of terrorism due to vulnerabilities at the borders. Experts from both private and public sectors agree that the porous southwest border is an inviting avenue of illegal entry for possible terrorists. In 2005 and 2006 there were five border tunnels located in San Diego County running from Mexico into the United States. (See attached.) While it is known that these tunnels were used primarily to smuggle illicit drugs, the same could easily be said for the smuggling of human cargo to possibly include terrorists.

Our national experience with controlling illicit drugs suggests that border enforcement is at best a weak deterrent. Increased border enforcement has led drug traf-

fickers to find new smuggling routes and develop methods that are more difficult for government authorities to police. Similar adaptations by terrorists can be expected, but that doesn't mean that obvious weaknesses on our borders should not be strengthened.

Al Qaeda continues to be one of the largest international terrorism threats to the United States. Many experts agree that Al Qaeda has studied narcotics traffickers and it is suspected that there are established ties between the two. San Diego knows firsthand. Al Qaeda has been here in the past as evidenced by the two 9/11 hijackers that resided here during the initial planning stages of the attack.

The 9/11 attack has forced local law enforcement to focus more of its efforts towards the terrorist threat. Across the country, local, state and federal law enforcement agencies are forming specialized anti-terrorism groups and intelligence fusion centers to combat this threat.

Nationally, there are over 700,000 law enforcement officers who patrol the streets of our communities and the state highways that link them. "All terrorism is local" as the International Association of Chiefs of Police puts it, and our officers and deputies are in a valuable position to help prevent terrorist acts. Should prevention fail, local public safety agencies play a critical role in protecting our homeland security because they are the first responders to the scene of an incident or terrorist attack. Let's not forget how many first responders lost their lives on 9/11.

To prevent future attacks in this County takes determination and aggressive law enforcement coordination at all levels of government. San Diego has committed itself to preventing this threat by the formation of the Terrorism Early Warning Group (TEW). Terrorism and criminal activity are most effectively combated through a multi-agency/multi-authority approach that encompasses federal state and local resources, skills and expertise. Working closely with the Federal Bureau of Investigation's Joint Terrorism Task Force and our own Criminal Intelligence Units, the Terrorism Early Warning Group is charged with preventing terrorism and planning for the mitigation of a terrorist event should it occur.

It is absolutely critical that jurisdictions create multi-agency, multi-discipline groups focused on preventing, responding to and recovering from terrorist acts. This approach allows full interaction and real-time information sharing to flow throughout the operational areas. TEW groups which are located in San Diego, Los Angeles, Orange County, San Francisco, East Bay and Sacramento, bring together law enforcement, fire, public health, emergency medical services, agriculture, environmental health, hazmat and more. This network allows interfacing and information sharing in an unprecedented way. No longer is terrorism just a law enforcement function, but a public safety function in which all disciplines must be included.

The citizens of our community, as well as first responders (police, fire and emergency medical personnel), also need to be aware of terrorist indicators and how to report them. Information flow among all these groups is critical.

San Diego was recently taken off the list of Urban Area Security Initiative (UASI) top 35 cities in America in spite of the threat posed by San Diego's geographic location on the southwest border, our ocean and military bases. In particular, our San Ysidro Port of Entry is the busiest in the nation and possibly the world with annual crossings of over 50 million travelers and 18 million vehicles. Their annual seizure rate is 140,000 pounds of narcotics, 60,000 undocumented immigrants and 1,100 wanted criminals.

Today I ask the members of this sub-committee to not only help resolve these immigration and border issues, but to ask the Department of Homeland Security to re-visit its calculation of risk for the San Diego area and ensure its inclusion in future UASI grant programs.

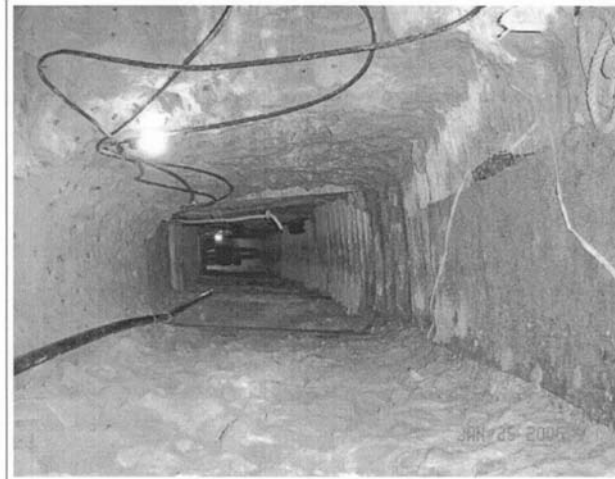
As Congress and the President wrestle with these difficult issues, it is important that national policy reflect a clear understanding of the enormous challenges that local law enforcement face in dealing with illegal immigration. As Governor Schwarzenegger of California has stated, "national security is the responsibility of the federal government and should not be passed off to state and local governments."

Thank you Mr. Chairman. I am ready to answer any questions.

U.S. / Mexico Border

Tunnels, Drug Cartel,
Border Crossing

Otay Mesa Tunnel – 01/25/06



Otay Mesa Tunnel Uncovered

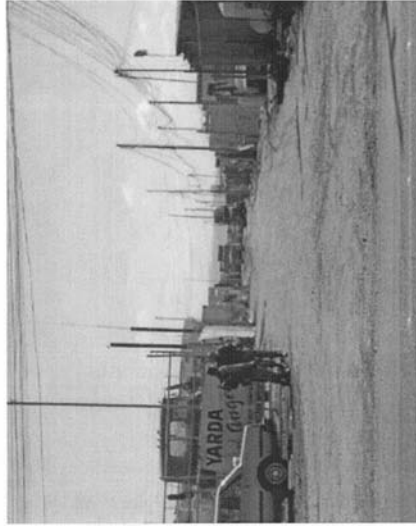
- Called Otay Mesa #3 by the San Diego Tunnel Task Force (SDTTF) (DEA, ICE, CBP BP)
- Mexican authorities discovered the tunnel on 01/25/06 while serving a search warrant based on intelligence provided by SDTTF
- Complex construction including shoring, lighting, ventilation and a water pumping system.

Otay Mesa Tunnel Uncovered Continued

- 2400 feet long, 5 feet high, 85 feet deep
- 2600 yards of cubic yards removed is equivalent to 500 completely loaded dump trucks
- 2 tons of marijuana was seized in Mexico, 200 lbs of marijuana seized in U.S.

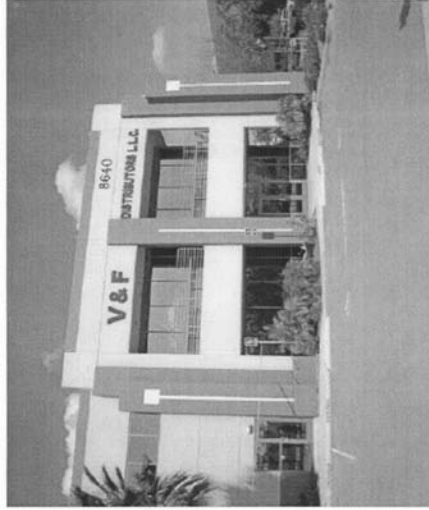
Mexico Point of Entry (POE)

- Location: Small warehouse on Avenida International



U.S. Exit Point

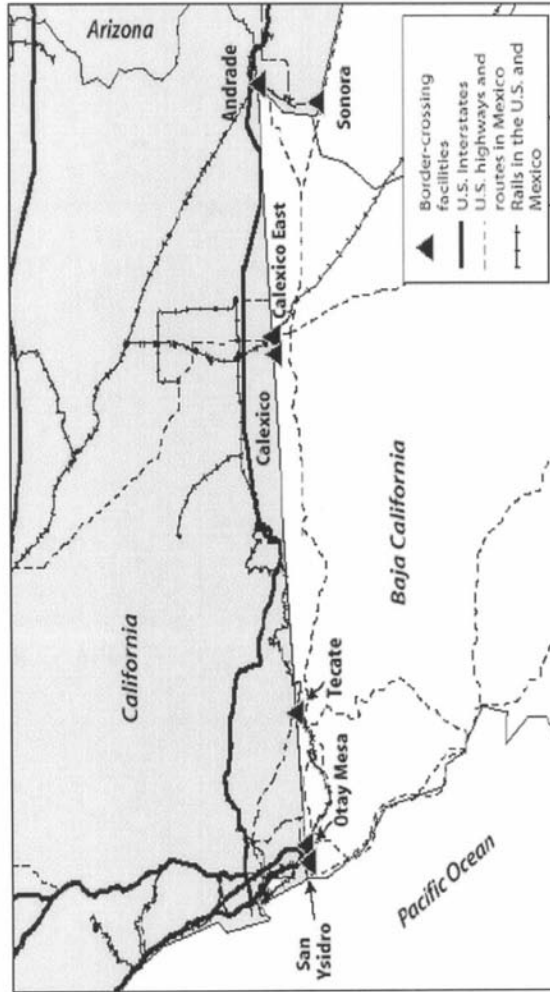
V&F Distributors, LLC
8640 Costa Brava
Otay Mesa, CA



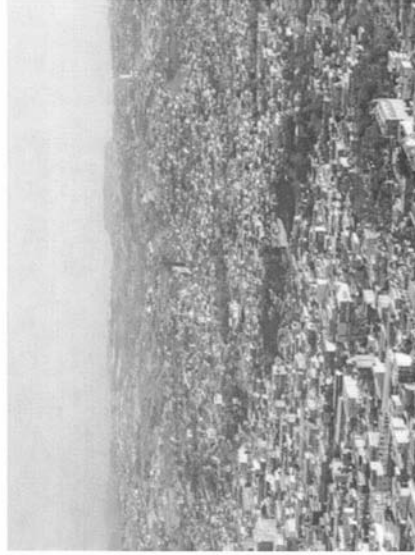
Arellano-Felix Cartel

- Also known as the Arellano-Felix Organization, AFO or Tijuana Cartel
- Miguel Angel Felix Gallardo was arrested in 1989 for involvement in the murder of DEA Agent Enrique Camarena
- Led to the transfer of leadership to 7 brothers and 4 sisters – Main leaders are Benjamin Arellano and Ramon Arellano (both on FBI's 10 Most Wanted List)

California / Mexico Border



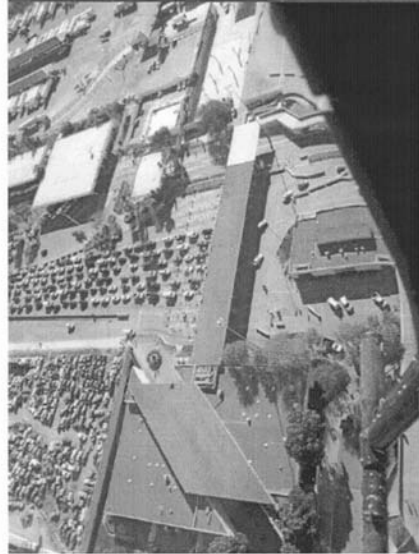
California / Mexico Border



California / Mexico Border



California / Mexico Border



California / Mexico Border



Mr. ROYCE. Thank you, Sheriff Kolender.

Your testimony is going to be put into the record. So I would encourage each of the sheriffs if you could summarize your testimony in 5 minutes.

And Sheriff Baca, we'll go to you.

Sheriff Baca.

STATEMENT OF MR. LEROY D. BACA, SHERIFF, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Mr. BACA. Thank you and good morning.

I have two documents. Get right to it.

One is the National Sheriffs' Association Recommended Policy, that was shared with Attorney General Gonzales and also my testimony. And copies are available for every panel member here.

Let me get through this in a quick manner.

First of all, the Los Angeles County's Sheriff's Department is an internationally respected leader in the world of first responder preparation and was an originating agency for the Terrorist Early Warning group that my colleague here, Bill Kolender, earlier alluded to.

The Terrorist Early Warning group was in place long before 9/11. And this model has been emulated throughout the entire United States and supported by the Department of Homeland Security..

Secondly, the Sheriffs' Department, along with the LAPD, including my colleague here to my right, and six other counties, leaders and law enforcement have developed a joint regional intelligence center of which is a multiagency, Federal, State and local county as well wherein each of these participating police departments, including Las Vegas, are involved in a network to deal with the terrorism threats that come through in the intelligence information that all these counties are aware of.

Bill mentioned the Joint Terrorism Task Force. We do that. We do that well in California. There is also a Regional Terrorist Threat Assessment Center that the State of California has put forth, and they're located throughout the entire State.

But let's get down to the point of what local law enforcement is faced with in California. There are 40,000 illegal immigrants in the State prison system today. Twenty-six percent of my jail population are illegal immigrants. The problem here is that the Federal Government has not done a good job in dealing with those that are committing murders, burglaries, and all the other types of crimes that are noted as local crimes. Illegal immigrants, therefore, have a very, very big impact on the crime picture here in Los Angeles County as well as the State of California.

And all we're saying essentially is this. If there's going to be any involvement of local law enforcement with any kind of enforcement of immigration policy, it's got to start with the criminals themselves who are doing more than just seeking jobs and are just a revolving door. One sheriff in Baltimore County had 22 deportations and the individual was back in his county within 4 days after each one of these deportations.

The circumstances are severe in Los Angeles County. We have more illegal immigrants in Los Angeles County than any other community in the United States. Thus, we have a problem. The

sheriffs' national policy says: One, you have to secure the border. That's the primary recommendation.

Secondly, the national sheriffs also believe that there is an economic downside in all of this. That the American economy is largely supported by guest-worker type labor, and we have to face up to what that really means in terms of individual communities throughout the nation.

We're also saying that if local law enforcement is going to be involved in any kind of immigration enforcement type practice, we must be paid for it. And therein is the troubling part right now. We can talk about all the policies of community, local law enforcement programs with Federal assistance. At the same time, there's no money there to support that.

We are an understaffed nation when it comes to local law enforcement. Every major city and county throughout the United States and many communities that are small cannot sustain the strongest program locally because they don't have enough funding.

Thus, in conclusion, we're also saying that if there is going to be a national invitation for local law enforcement to support immigration enforcement circumstances, that it has to be on a voluntary basis. Local law enforcement cannot accept another unfunded mandate or any other kind of mandate when it comes to immigration enforcement. That it can only be voluntary, and it must require full reimbursement.

Thank you very much.

[The prepared statement of Mr. Baca follows:]

PREPARED STATEMENT OF MR. LEROY D. BACA, SHERIFF, LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT

The impact of international border security reaches far beyond the line between California and Mexico. Although the County of Los Angeles is not geographically contiguous to the U.S./Mexican border, issues of illegal entry into the United States are important in the early intervention and prevention of terrorism. In order to remain adequately prepared, it is essential to have an effective network for information sharing and analysis. My testimony today will focus on efforts made by my Department in cooperation with federal, state and local agencies to share information aimed at preventing, disrupting or mitigating a terrorist attack.

Originated in 1996 by two Los Angeles County Sheriff's deputies, the Terrorism Early Warning (TEW) Group has been identifying and analyzing indications of the potential for a terror attack within Los Angeles County. The TEW provides a system to collect and process information across jurisdictional and disciplinary lines, and therefore, enables a complete perspective beyond that of only traditional criminal intelligence. From its humble beginnings, the TEW now employs subject matter experts from law enforcement, the fire service, public health, academia and the military, all-working together to ensure the safety of Los Angeles County residents. The TEW has recently evolved into the Joint Regional Intelligence Center (JRIC), which combines assets from the Los Angeles County Sheriff's Department, Los Angeles Police Department, FBI, United States Attorney General's Office and the California State Office of Homeland Security (OHS). It is here that representatives from federal and state agencies work side by side with local public safety practitioners. Participation also includes representatives from the surrounding six counties as cooperative partners. Included in this system is an extensive network of Terrorism Liaison Officers (TLO), who act as primary points of contact for their respective agencies. The creation of long-term relationships built on mutual trust has resulted in high quality analytical products that are provided to decision makers covering a variety of terror related subjects. The combination of analysts from a variety of agencies and disciplines enables an expansive view for identifying trends and recognizing potential activity, which could indicate a pending terrorist attack.

The U.S. Department of Homeland Security's (DHS) presence at the JRIC is essential. In addition to the one analyst currently assigned however, there is a need for full-time representatives from other DHS agencies such as Customs and Border

Protection, Immigration and Customs Enforcement, the Transportation Security Agency and the Coast Guard. These organizations possess critical information that must be synthesized with local intelligence to provide the clearest view possible of potential threats to the nation and the region. All of these partnerships are necessary to overcome the traditional bureaucratic inertia in the field of intelligence sharing.

To further this effort, The Los Angeles County Sheriff's Department also participates on the Los Angeles Joint Terrorism Task Force (JTTF). Alongside our partners from federal, state and local agencies, Los Angeles County Deputy Sheriff's investigate cases linked to terrorism within the County. Information gathered during these investigations is disseminated by the FBI on a regular basis to all appropriate agencies.

The State of California has also recognized the value of cooperation between federal, state and local agencies by funding a series of Regional Terrorism Threat Assessment Centers (RTTAC). The JRIC functions as the RTTAC for the Southern California Region, which encompasses a total of seven counties. I strongly encourage the participation of any public agency involved in issues of Homeland Security with its local RTTAC, TEW or other fusion center to ensure the best possible analysis and information sharing.

Los Angeles County is more than 100 miles from the Mexican border, but we feel the effects of its vulnerability. Twenty-six percent of the inmates in the custody of the Los Angeles County Sheriff's Department are eligible for State Criminal Alien Assistance Program (SCAAP) funding, which indicates their illegal presence in the United States. However, SCAAP funding requirements are so stringent that 26 percent is not an accurate assessment of the actual number of immigration status offenders in County custody. When the SCAAP funding requirements are set aside, we believe that actual percentage is closer to 40 percent. As a result of this funding disparity, my Department is not reimbursed adequately by the federal government. I would request that Congress take another look at the SCAAP program for a more equitable reimbursement process. Whether the percentage is 26 or 40, these inmates have entered the United States in every way imaginable, from fraudulently obtained visas, to stowing away in cargo containers to simply walking across an unguarded section of the border. While in Los Angeles County, these inmates have committed crimes that resulted in their being incarcerated in my jail system. Recognizing the need to have these offenders screened prior to release into the community, Los Angeles County entered into a Memorandum of Understanding with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement to provide training to custodial personnel regarding immigration status offenses. This training enables county employees to screen inmates for potential deportation proceedings once their Los Angeles County criminal cases have been adjudicated. This pilot program, now in its sixth month has resulted in 3,317 interviews of potential illegal immigrants. Of these, federal immigration holds were placed on 1,886 inmates of whom 1,431 were approved for action by the Bureau of Immigration and Customs Enforcement. This cooperative arrangement with the federal government is the first of its kind and would have been unthinkable prior to September 11th.

As to the more general question regarding terrorists crossing the southern border, I have no reason to dispute FBI Director Mueller's statements regarding his belief that it is not only possible, but that it has already occurred. It makes logical sense that anyone wishing to enter the United States illegally would use paths that have proven successful in the past. Millions of illegal immigrants have successfully crossed our southern border and are living undetected within Los Angeles County. While most have come looking to improve their economic status in life, the obligation of all of us in public safety is to, first, keep those that would harm the United States from entering, and second, remove them from our community should we find them already here. As the elected leader of the Los Angeles County Sheriff's Department, I am committed to expanding cooperation with all federal, state and local agencies in our efforts to combat terrorism. The citizens of Los Angeles County and the nation deserve a secure homeland. No one agency can provide that security. Only by working together in a collaborative, mutually supportive environment can we provide the security we all assumed was in place prior to September 11th.

Thank you for the opportunity to participate in this hearing, and I look forward to answering any questions you may have.

Mr. ROYCE. Thank you, Sheriff Baca.

We are now going to go to Sheriff Rick Flores. He has served as sheriff of Webb County, which is the county seat of Laredo, Texas since January 2005.

Sheriff Flores has been a Texas peace officer since 1998. And he has been certified as a law enforcement instructor by the Texas Commission on Law Enforcement Standards and Education.

Sheriff Flores, we thank you for coming all the way out here to California to testify today. We very much appreciate it.

**STATEMENT OF MR. RICK FLORES, SHERIFF, WEBB COUNTY
(TX) SHERIFF'S DEPARTMENT**

Mr. FLORES. Thank you for the invitation.

Honorable Mr. Royce, honorable Committee Members, Distinguished Visitors.

At the request of the Honorable Henry Hyde, Chairman of the Committee of the whole, today's focus is on Border Vulnerabilities and International Terrorism—issues which Chairman Hyde says are separate, but related.

Mr. Hyde has requested that our focus, at least in part, be aimed at the risk to our southern border on terrorist entry and other border weak points. Risks to our southern border are almost an article of faith. Equally acceptable is a belief that our borders are porous. How so?

For a long time, smugglers of narcotics and human cargos have had, and continue to have, clandestine infrastructures in place to force their loads through gaps in our security. And smugglers have one priority—money. And they haven't a care who they victimize or what hard consequences they set in motion.

As open as our borders are to narcotics and human smuggling, so well-placed are these channels of contraband that in a blink of an eye people who seek entry with treacherous motives can easily pose as those that simply seek a better life.

Our southern border is ripe for terrorist pipeline. Even assuming that not one single terrorist has infiltrated thus far, even assuming that we lack confirmation of Middle Eastern groups assimilating into Mexican culture, in point of fact, with terrorist motives of any nationality can find a place in the smugglers' pipeline. There's room for anything and anybody. So long as smugglers can get top dollar, they'll turn a blind eye to any threat their cargo, human or otherwise, might pose to the safety of Americans.

The weakness of our southern border hasn't escaped notice of the drug cartels. We've seen military or semi-military incursions, threatening firepower to protect their loads, as shown by the graphic obtained from the Inland Valley Daily Bulletin.

All along our southern border, the cartels are adapting to particular terrains. For example, in Webb county, with 87 miles of riverfront, the sixth largest county in the State of Texas, with 3,400 square miles, all of which is thicketed ranch land which provides cover and concealment, they've adapted well. It is getting to the point that ranchers are always fixing their barbed-wire fences cut by smugglers. One rancher was so annoyed that he installed a gate. And now, when he rides his fence line, he often finds a \$100-bill stuck to the gate. An obvious thank you message from smugglers.

Cartels have a database on prominent families and make good use of information to make their threats credible, striking whenever they detect weakness. Shaking them down to shut them up.

Covert pathways for smugglers are as varied as terrains. That is why each of my brother sheriffs should be supported to adopt the plan best suited to the area.

For some time, the U.S. Congress has provided notice of the urgent situation. Assuming terrorists have yet to make use of our southern border and if terrorists have already crossed undetected, then there's a deeper sense of urgency. Please understand that the joint plea of border sheriffs is based on common concerns, as well as their own unique situations. All of us are first responders. If a call goes out for help, anybody calls 911, it is each of us here who respond. We have to have boots on the ground to take immediate action and we don't have them.

Coalition members have been protecting our borders from cross-over border crime for a long time, for decades, in fact. Except that now, the drug and human smuggling cartels have raised the ante and the threat continues to grow. In one area, the riverfront, to put it in the words of Major Doyle Holdridge, a former Texas ranger, who now heads our criminal patrol division, "It gets Western."

So now we ask for resources to help contain the threat. That we may continue to respond with diligence, with much needed help to protect our communities along the border and to protect America. We need boots on the ground, equipment and training. And our attitude is such that we encourage Congress to allocate resources.

In this regard, it's important to note that any help Congress gives our agencies will be a help which all will apply, because all of us have a huge stake in border security which is linked to homeland security.

Keep in mind, they care nothing of sneaking high-risk infiltrators across our borders, so long as the money's right. We care nothing of potential threats to the safety and security of the United States, so long as the money's right. They seem to have a free hand in their operations, and they've been unstoppable for decades.

We need your help. Thank you.

[The prepared statement of Mr. Flores follows:]

PREPARED STATEMENT OF MR. RICK FLORES, SHERIFF, WEBB COUNTY (TX) SHERIFF'S DEPARTMENT

Honorable Mr. Royce, Honorable Committee Members, Distinguished Visitors:

At the request of the Hon. Henry Hyde, chairman of the committee of the whole, today's focus is on Border Vulnerabilities and International Terrorism—issues which Chairman Hyde says are "separate but related."

Mr. Hyde has requested that our focus, at least in part, be aimed at the risk to our southern border on terrorist entry and other border weak points.

Risks to our southern border are almost an article of faith. Equally acceptable is the belief that our borders are porous.

How so?

For a long time, smugglers of narcotics and human cargoes have had, and continue to have, clandestine infrastructures in place to force their loads through gaps in our security.

And smugglers have one priority—MONEY! And they haven't a care who they victimize or what hard consequences they set in motion.

As open as our borders are to narcotics and human smuggling, so well-placed are these channels of contraband, that in the blink of an eye, people who seek entry with treacherous motives, can easily pose as those who simply seek a better life.

Our southern border is ripe for a terrorist pipeline—even assuming that not one single terrorist has infiltrated thus far, even assuming that we lack confirmation of Middle Eastern groups assimilating into the Mexican culture.

In point of fact, anybody with terrorist motives, of any nationality, can find a place in the smugglers' pipeline. There's room for anything and anybody.

So long as smugglers get top dollar, they'll turn a blind eye to any threat their cargo—human or otherwise—might pose to the safety of Americans.

The weakness of our southern border hasn't escaped notice of the drug cartels. We've seen military, or semi-military incursions, threatening firepower to protect their loads, as shown by the graphic obtained from the *Inland Valley Daily Bulletin*.

All along our southern border, the cartels are adapting to particular terrains. For example, in Webb County with 87 miles of riverfront, the 6th largest county in Texas with 3,400 square miles, all of which is thicketed ranchland which provides cover and concealment, they've adopted well.

Its getting to the point that ranchers are always fixing barbed-wire fences cut by smugglers. One rancher was so annoyed that he installed a gate—and now, when he rides his fence line, he often finds a \$100-bill stuck to the gate—an obvious thank-you message from smugglers.

Cartels have databases on prominent families, and make good use of the information to make their threats credible, striking wherever they detect weakness, shaking them down to shut them up.

Covert pathways for smugglers are as varied as the terrains—that is why each of my brother sheriffs should be supported to adopt a plan best suited to their area.

For some time, the U.S. Congress has been provided notice of the urgent situation—assuming terrorists have yet to make use of our southern border. And if terrorists have already crossed undetected, then there's a deeper sense of urgency.

Please understand that the joint plea of border sheriffs is based on common concerns as well as their own unique situations. All of us are first responders. If a call for help goes out, it goes to each of us and we have to have boots on the ground to take immediate action.

Coalition members have been protecting our borders from cross-over crime for a long time, for decades, in fact. Except that now, the drug and human smuggling cartels have raised the ante and the threat continues to grow.

In one area of riverfront about 12 miles south of Laredo, to put it in the words of Major Doyle Holdridge, a former Texas Ranger who now heads our Criminal/Patrol Division, "It gets western!"

So now we ask for resources to help contain the threat, that we may continue to respond with diligence with much needed help to protect our communities along the border, and to protect America.

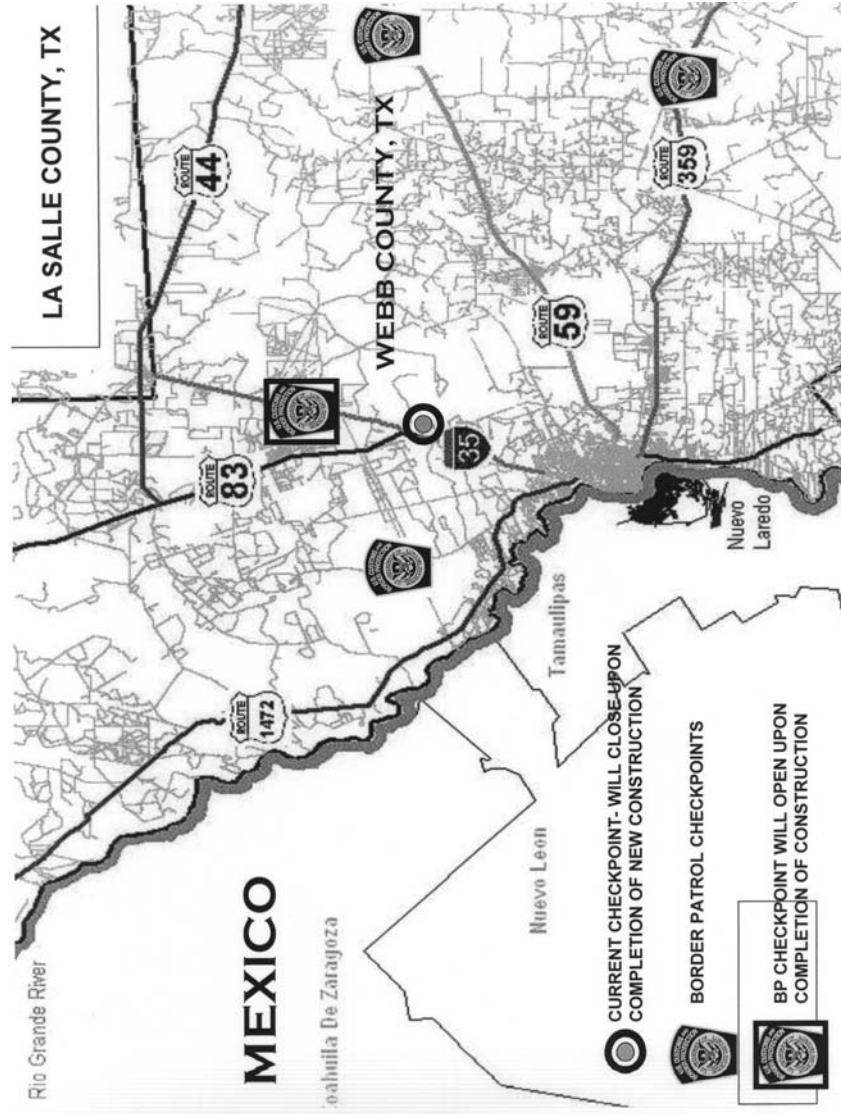
We need boots on the ground, equipment and training and our attitude is such that we encourage Congress to allocate resources.

In this regard its important to note that any help Congress gives other agencies will be a help which we all applaud, because all of us have a huge stake in border security which is linked to homeland security.

Keep in mind, they care nothing of sneaking high-risk infiltrators across our borders—so long as the money is right. They care nothing of potential threats to the safety and security of the United States—so long as the money is right.

They seem to have a free hand in their operations and they've been unstoppable for decades.

We need help.



Mr. ROYCE. Thank you, Sheriff Flores.

Let me ask you a question, if I could.

One of your Texas colleagues who will testify to this Subcommittee this week speaks of drug cartels that have monitored his office and his home and his cell phone conversations. I was going to ask you about your familiarity with this type of activity on the part of the cartels. And also ask you, in the House-passed bill, we had a provision to reimburse sheriffs for their cooperation when it's advantageous to have the sheriff's department on the border working with the immigration officials. Would that be advantageous? Second, the fencing for Laredo that would have been provided in the House-passed bill, would that be advantageous? Would any of this be a force-multiplier, in your view, anything to try to help you do your job?

Mr. FLORES. The first question, Border Patrol are our guardian angels. They are our backup. It's very difficult to be able to provide safety and security to the sixth largest county when we've only got eight deputies per shift patrolling 3,400 square miles.

And I don't know if I can speak for the rest, but our counties are low tax-based, so they can't provide the resources to be able to upgrade our departments. And public safety should be a priority in everybody's mind. And I know it is in our commissioners's court and county judge. However, they do not have the resources, they don't have the tax base, they don't have the generation of revenues that can provide us with security.

I will just reiterate, that for a very, very long time, for decades, we have been providing border security. The only thing is now it's so much of a concern with terrorists, now it's appropriate for us to come before you and tell you we need help.

Mr. ROYCE. Sheriff Baca, something you mentioned goes to the question of criminal activities, groups like MS-13. One of the fellows in your department once said, "MS-13 isn't a gang. It's an army." I wonder if you'd like to comment on that for a minute, and then we'll go to Sheriff Kolender, on these new challenges, on these very different challenges that you're faced with.

Mr. BACA. I think you're right. We clearly understand that MS-13 is throughout the United States. Going to places where the pray is easiest. Los Angeles County is the gang capital of America, with 86,000 gang members, of which MS-13 is one. So we're looking for more help in that respect.

Mr. ROYCE. Sheriff Kolender?

Mr. KOLENDER. I think we've all made comments. We've got to understand the various issues from the cartels to the terrorism to the illegal immigration. But one thing that we really haven't discussed, the one thing that I don't see coming, is this is never going to be solved, sir, unless we can develop a relationship with Mexico so that there is a mutual responsibility to do something. We have to help them or work with them to develop that—keep this from occurring. This is going to keep going on if it doesn't.

Mr. ROYCE. Just in summing up, one of the concerns that we have is that because of the inability in Mexico to control the border situation, we're concerned that gangs, like MS-13, might bring into the country terrorists who would carry out their operations. For MS-13, this would just be a business proposition.

I'm going to go to Congressman Sherman for his questions.

Mr. SHERMAN. I would like to focus with my sheriff, Sheriff Baca, on the program known as the State Criminal Alien Assistance Program—SCAAP. Now, this program provides reimbursement for the States and localities for the incarceration of undocumented criminal aliens.

Since it's a Federal responsibility to stop illegal immigration, it's only fair that the Federal Government pay up when it fails to stop criminals from entering our country.

Now, the cost of incarcerating these criminal illegal aliens is well over a billion dollars for the nation as a whole. Well over half a billion dollars for California, State and municipal and local governments. Yet, in 2005, California received only \$121 million. And the Bush Administration has repeatedly submitted budgets that zero out this funding altogether.

Sheriff, can you tell us about L.A. County? How much does it cost to incarcerate these criminal illegal aliens? And how much of that do we get reimbursed from the Federal Government?

Mr. BACA. It costs the county taxpayers about \$80 million a year to incarcerate illegal immigrants. Our reimbursement last year was \$11 million.

Mr. SHERMAN. So we're getting about \$1.00 out of \$8.00 that we should be getting from the Federal Government. I assume, with your conversations with other sheriffs around the State, that's roughly similar with the other sheriffs' departments?

Mr. KOLENDER. It's part of the National Sheriffs' policy that full reimbursement occur.

Mr. SHERMAN. I see your colleague, fellow California sheriff to your right, saying the same thing.

Mr. KOLENDER. We went up from \$9 million down to \$2.3 million.

Mr. SHERMAN. I know most of us here on the panel have endorsed H.R. 557 which would reauthorize SCAAP. And I look forward to those with better connections with the Bush Administration, and myself, getting Bush to put this fully in his budget.

Mr. BACA. May I say one thing here?

When a county has to spend \$80 million for illegal immigrant costs in jail, the Federal Government does not help much. That means radio cars, police officers on the street are cut back to accommodate this additional cost.

Mr. SHERMAN. I have a question for Sheriff Flores.

Secretary Chertoff, in talking about incursions, official incursions across our borders, said that "to create the image that somehow there's a deliberate effort by the Mexican military to cross the border would be to really traffic and scare tactics."

He went on to say, "I don't think we have a serious problem with the official incursions."

Do you agree with that statement?

Mr. FLORES. I disagree.

You want me to elaborate?

Mr. SHERMAN. Elaborate, please.

Mr. FLORES. First of all, and I welcome any of you to come to our neck of the woods, you will see first hand that we are having gun-fights lasting 2 hours right across our border and the police, nor

the military, responds to be able to stop that siege, what is that telling you?

That the Mexican Government is in on the narcotrafficking and human smuggling. They're getting paid. They're getting paid off.

Is this something new? This has been going on for decades. This has been going on since Mexico's been Mexico.

Mr. SHERMAN. So the military units of the Army of Mexico located near your border are not helpful in controlling the drug-control problem?

Mr. FLORES. Mr. Sherman, when you've got 37 defectors of the Mexican military who are trained in Fort Benning, Georgia by us to go and fight narco-terrorism in Mexico and they defected from the Mexican Government or the Mexican military and are now working for the drug cartel, and now they've got the biggest, sophisticated equipment, training—you know, I was telling one of the—one of the sheriff's assistants to my left, I communicate on Cingular cell phone and some of us communicate with other, Verizon, you know, they communicate with satellite cell phones. You know, they've got GPS tracking devices.

I remember when I was a young kid, Coyotes would cross the river and they had pathways, like cattle provide when they're going to seek water, they had pathways to get from Point A to Point B to Point Z. Now they've got GPS satellite cell phones to track them all the way, and they're looking at them from a computer across the river, making sure that they get from one point to the other.

They're much more sophisticated now.

Mr. SHERMAN. I would like to hear more, but I believe my time has expired.

Mr. ROYCE. Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman.

You know, this is a great panel to have. And, Sheriff Kolender, you've been a hero to many of us here in San Diego County.

Sheriff Baca, there's no question that your work in L.A. is not only important, but legendary.

I think I'm going to have to take a little bit of an exception for a moment, though, with a little of your testimony.

First of all, Sheriff Kolender, I've been to Mexico and I've met with the Mexican officials. They refuse to call it "illegal immigration." It's "migration over an artificial border." And that is said there.

So, I agree with you, that if we could get cooperation of the Mexican Government overnight, we could dramatically reduce the pressure on our border. We could make this a much more controllable border.

I think we have to assume, as Sheriff Flores says, that that's not going to be forthcoming anytime in the near future. That our solution is primarily on this side of the border, and incentivizing Mexico to play differently is going to be difficult.

I do have a somewhat rhetorical question, because I think, as Congressman Sherman and the rest of us would tell here in California, we've worked hard to get SCAAP funding back every time the President has zeroed it out. And nobody's going to defend the fact that in every one of his budgets it's come out as zero and we've had to put back in what you've gotten.

But I do have to ask a rhetorical question that is important for the people to understand your jobs.

Sheriff Kolender, if somebody commits rape in New York and comes to San Diego, commits another rape, do you expect to be reimbursed by New York?

Mr. KOLENDER. No.

Mr. ISSA. Do you expect, Sheriff Baca, to be reimbursed by New York?

Mr. BACA. No.

Mr. ISSA. Would you expect to be reimbursed, Sheriff Flores?

Mr. FLORES. No.

Mr. ISSA. Then even though we'll make real efforts to get you Federal funds, and we will continue, on a bipartisan basis, to do more, if someone commits a crime in California, there should be zero tolerance wherever they came from. It doesn't become a Federal problem, just because they came here illegally, for reimbursement.

I would like to get you all the money. But clearly, we do not care where a criminal comes from. If they commit a crime in your jurisdiction, you're going to punish them in your jurisdiction whether or not you're reimbursed by another jurisdiction.

Mr. BACA. I would agree with that logic on the first offense.

But a study in the L.A. County Sheriff's system showed that a 5-year period, 70 percent of those deported after serving time reentered the country and were rearrested again.

Mr. ISSA. Sheriff, that's exactly the point I wanted you to get to is, are the punishments for people—for criminal aliens who reinvade our country, are they strict enough? And if not, what should be the maximum punishment? What should we be doing to those who commit felonies, are deported and then reenter?

Mr. BACA. It should be a Federal offense in all cases, as it is with just reentering, if you did commit a crime.

And it may be important to point out, that in San Diego, there are 3,000 U.S. Attorney prosecutions for illegal reentry.

In Phoenix, there are about 2,000 prosecutions for illegal reentries.

In Los Angeles County, there's about 200. Which means that there's a disparate policy in the U.S. Attorney's office and an understaffing of U.S. Attorneys to go after people who have reentered and prosecute them as a Federal offender.

Mr. ISSA. Thank you, sir.

Mr. ROYCE. Mr. Filner.

Mr. FILNER. Thank you, Mr. Chairman.

Thank you, Sheriffs, for being here.

Sheriff Kolender, are you safely reelected?

Mr. KOLENDER. Yes.

Mr. FILNER. So I can say, without injury to your career, you're my favorite cop.

Mr. KOLENDER. There goes some votes.

Mr. FILNER. As police chief and as sheriff, you've done an incredible job for our county. You've pioneered community policing in the City of San Diego. And I mean, there's nothing better than that. And you leave a great legacy. So, thank you, sir.

I want to point out what the sheriff said for my Committee colleagues. The Urban Area Security Initiative, which was to give grants based on risk to urban areas, did not include in its criteria either proximity to the border or military installations. And I think this Committee has jurisdiction to deal with that, that just because we're at the border, that's tough, that's the Border Patrol. And just because we have military installations, that doesn't matter because that's the DoD. As you pointed out, we're not getting our fair share for that situation.

And you pointed out the unfunded mandates by SCAAP. And I think we have to extend that. And I think you'll agree, although that's not your primary area of jurisdiction, we've seen hospitals and emergency rooms close because they can't keep up with the cost of uninsured and undocumented. And education systems are not reimbursed.

So local communities, especially those of us at the border, are really suffering from this lack of Federal reimbursement.

But let me ask all the sheriffs. The House bill that these guys are trying to round up support for makes a felony for undocumented, and federalizes—or makes more felonious certain crimes. That means you and police chiefs all over the country have got to enforce the immigration law.

That's very difficult, since the thing that distinguishes us from totalitarian regimes, is that we don't have to carry papers to prove we're citizens. So that may most likely lead to racial profiling and looking at—and suspicion of the community for dealing with the police.

It's my understanding, Sheriffs, that both the Police Chiefs Association, which you used to be a part of, and the Sheriffs' Association do not want that provision in Federal law. You've got enough problems with your local—am I phrasing that correctly or—

Mr. KOLENDER. If you commit a felony, they would go to Federal prison.

Mr. FILNER. Yes, but you would be responsible for enforcing it.

Mr. KOLENDER. You don't have the resources to do it.

Mr. FILNER. What? You can't do it?

Sheriff Baca?

Mr. BACA. I'll answer the same.

Mr. FILNER. I just want the Republicans who voted for that bill to understand that they can't do the job that you've made the centerpiece of your legislation.

Thank you.

Mr. ISSA. The Chair would take note that the Federal Government only passes laws which are Federal laws, and, as Sheriff Kolender says, will be enforced in Federal court. We don't ask you to or mandate you to enforce Federal crimes.

Additionally, I might note, SCAAP is not an unfunded reimbursement. The fact is that SCAAP is funding for people who commit State crimes who are incarcerated here. It is insufficient, but it is, by definition, not an unfunded mandate, because we don't mandate that State laws or local laws be enforced. We do provide, woefully, sufficient reimbursement.

Mr. SHERMAN. They can't buy their equipment. They can't buy their vehicles. They can't give a pay rate that—they can't do the

job locally because they're forced to do this other job. And you've got to recognize that, and you simply don't, in your legislation.

Mr. ISSA. Thank you with that.

With that, the time belongs to Mr. Poe.

Mr. SHERMAN. Mr. Issa, I believe I can comment, as Ranking Member, on your comments. To say it's not an unfunded mandate, just to say it's an unfunded Federal responsibility is asking what the definition of "is" is. We ought to be funding SCAAP.

Mr. ISSA. I appreciate the gentleman's concern for funding SCAAP. I believe this Committee, and these Members, on a bipartisan basis, we should be funding SCAAP on a higher level.

Particularly, as Sheriff Baca said, when somebody has been incarcerated and they come back and commit a crime a second time, you're incarcerating them clearly a second time because we couldn't secure the borders.

I only wanted to make the point that the Federal Government has a tremendous amount of unfunded mandates. And we have enough of those to more than make up for the shortfall without calling SCAAP a relation to a mandate.

Mr. FILNER. Mr. Issa, the Chairman, Mr. Royce, has been very fair and not commenting after every one. If you're going to comment after every one of our comments, I will comment after every one of your comments.

So make your choice.

Mr. ISSA. With that, Mr. Poe is recognized.

Mr. POE. Thank you. I'd like to cut to the chase.

Sheriff Flores, thank you for being here. You're sheriff in Webb County, the size of Rhode Island. You have eight deputies on patrol at any given time. You have Laredo, Texas. Across the river is Nuevo Laredo.

How many 18-wheelers can—Mr. Chairman, can I have all the attention of the Committee?

I want to ask you, Laredo is the largest inland port of entry in the United States, maybe in the world.

How many 18-wheelers a day come from Nuevo Laredo and Laredo?

Mr. FLORES. Going northbound, about 6,000–7,000 on a daily basis.

Mr. POE. 6,000–7,000.

How many of them are inspected?

Mr. FLORES. It's very difficult for U.S. Customs Inspectors to inspect every truck. And of course, there's always diversions, because they'll go ahead and throw some 200 to 500 pounds of "weed" on the south while there's trucks going through the north on the bridges. And, you know, it just throws us off.

And these are diversions that are always occurring. But it's impossible or U.S. Customs enforcement to inspect every single truck. You would probably have a line from the bridge going south in Mexico, and you would have people from the United States complaining because their loads are not—their commerce or their merchandise is not on time.

So it's a matter of semantics.

Mr. POE. The 1,254 miles of the Texas-Mexico border that you and all the other sheriffs patrol, I want to commend all of the sheriffs working together, regardless of party affiliation.

What does it mean when Texas Ranger Holdridge says at Laredo and Nuevo Laredo, "It gets Western"? What does that mean?

Mr. FLORES. Well, as soon as the sun goes down, you hear the gunshots and the automatic weapons going off, 50-caliber weapons. This is the kind of weaponry that is being used by the narcotraffickers. And what I wanted to add was, and I didn't get to add was, these cartel members, these Zetas, that were trained in the United States don't get paid enough money to be working for the military. So they defected and they work for the cartels, making four, five times more money than they would in the military.

Mr. POE. Is it your opinion that the military incursions, or at least people coming in looking like Mexican military, are working with the drug cartels and human smugglers all for money?

Mr. FLORES. If the price is right, it works.

Mr. POE. Why is it that al-Qaeda would go south of the border, assimilate into the population, and then come into the Northern border, rather than going to Canada and come across the Canadian border to the United States?

Explain why, in your opinion, al-Qaeda would set up operation in Mexico and come here?

Mr. FLORES. Well, Mr. Poe, for me to fly from San Antonio to Houston and have an air marshal sitting next to me, and then we got together and we started talking and he says, "You look Middle Eastern," it's very easy for these people to go ahead and blend in in Mexico, learn the language, learn the culture, and camouflage themselves as Mexicans crossing the border.

Mr. POE. Is it your opinion that that may happen, or may even be actually going on?

Mr. FLORES. It's probably already happened.

Mr. POE. Thank you, Sheriff Flores, I appreciate you being here.

Mr. ROYCE. Congresswoman Lofgren.

Ms. LOFGREN. Thank you, Mr. Chairman.

I just note, before my question, that secretary of the Homeland Security Department and all of the intelligence does indicate that our attention should be at the northern border for terrorism rather than at the southern border.

But I would like to ask about resources.

We've heard today that we are not prosecuting for illegal reentry. We heard that we are not prosecuting for smuggling, even though we got very tough laws on smuggling. The Congressional Research Service says, nationwide, we are reimbursing States for SCAAP about 33 percent. But when it trickles down to the counties, it can be, like, 8 to 10 percent.

It seems to me, and talk is cheap, we have a resource issue here.

And here's a question I have for you, Sheriff Kolender.

You're here, on the border. As much as anybody, you're seeing, in an urban setting, the failures.

Just calculating in the bill H.R. 3347, there's a proposal that anyone who is here without proper papers—actually it's not a proposal, it would be the law—would be guilty of a felony. There's

some talk to turn that into a misdemeanor. But in either case, it would be a violation of Federal law that would include prosecution, defense, incarceration. It's about \$50,000 a year to incarcerate somebody in a Federal prison. Throw in your court time, your prosecution, your defense—it's about a hundred thousand per, times a million people.

Do you think the nation's resources would be best spent in that regard? Or in the prosecution of existing law and reimbursing you guys at the local level for the good work that you do catching criminals who are here without their papers?

Sheriff Kolender?

Mr. KOLENDER. I'm not sure I understand.

I would like to see the Federal Government do that first part—what was the first part?

Ms. LOFGREN. If we were to implement the H.R. 3447, the criminal law provisions, some have estimated it would cost about as much as half a trillion dollars to arrest, incarcerate, prosecute and defend 11 million individuals on a criminal law basis.

If we had half a trillion dollars to spend to solve immigration issues, would that be, in your judgment, the best way to spend a half a trillion dollars?

Sheriff Baca?

Mr. BACA. You know, this is the question, obviously, between the House and the Senate's version of the two particular important solutions.

What worries national sheriffs is that people that work for the minimum wage have made an impact on this economy, whether we want to agree with that or not. There are, perhaps, hundreds of thousands of employers who hire people at a very low wage. That's the reality here.

Now, what I'm saying, as an economist rather than a sheriff, that if you take away that resource and criminalize it, the impact of the American's quality of life will be sufficiently strong that everyone in Congress is going to have to say, why don't you warn me—the American people are going to say, "Why don't you tell me what my real cost is going to be?"

It's one thing to have an emotional sentiment cost. It's another thing to pay twice or three times more for everything you eat.

Mr. ROYCE. We're going to go now to——

Mr. BACA. This is the hard fact of the problem that you're grappling with. I don't care if I'm reelected or not, so anybody who wants to say anything about what I've said can say clearly whatever they want to say.

Ms. LOFGREN. Mr. Chairman——

Mr. BACA. But this is not an issue that can be easily dealt with with a simple solution. We don't have enough prisons in America or enough local jails in America to incarcerate employers and their workers combined. We are not there.

Mr. ROYCE. Time has expired.

We're going to go to Mr. Hayworth.

Mr. HAYWORTH. Thank you for the time, Mr. Chairman.

I would note that I think any rational observer, as has been reflected in testimony across jurisdictional lines in front of committees, that every American should understand that whether it's our

southern border or our northern border or any port of entry, again, national security is synonymous with border security.

I welcome the witnesses here today who may be Renaissance men in terms of interdisciplinary studies, but also have as their clear and abiding mission protection of the citizenry and enforcement of our laws. With that, let me turn to Sheriff Flores.

Sheriff Flores, you spoke of “boots on the ground.” There has been much debate, because we’ve heard the litany of a lack of resources.

In your mind, Sheriff, to help supplement doing the job, when you say “boots on the ground,” are you referring solely to help with the Border Patrol or the National Guard or perhaps elements of our standing military being deployed to our borders, both north and south?

Mr. FLORES. We’re talking putting additional deputies that we’ve longed to have because of the fact that we have a small tax base in our county that we cannot be able to have the adequate amount of deputies out on the streets and protecting, of course, our borders. Because we not only provide security and vigilance along the border, but also the community.

And it’s very difficult.

Mr. HAYWORTH. Sheriff Flores, you spoke of the Zetas. And I have heard, from various law enforcement individuals, you talked about the technological edge many of them have. The fact that they came from the equivalent of Mexican special forces, have defected with narco-terrorists.

We heard one illustration where an FBI agent in the Laredo Sector got a call on his personal cell phone from someone who identified himself as the commander of the Zetas in that sector that said, listen, you may have heard talk that you may have been targeted for assassination. We just want to put your mind at ease. We don’t operate that way. We know where the guy is who’s spreading that rumor, and we’d be happy to “rub” him out. It’s almost, the reaction is, to laugh to keep from crying.

Have you had a personal situation or someone close to you—have you dealt with this type of intimidation firsthand with the Zetas?

Mr. FLORES. I’m not privy to discuss that, but I can tell you, like I mentioned in my speech, they do have a database, and they’ve got a database of affluent families, businessmen, politicians, elected officials, judges, prosecutors. So I think you can read the subliminal message.

Mr. HAYWORTH. Without getting into the specifics, and without the stylistic points of “after dark it gets Western,” is it accurate to say that the sector of the border in which you live is now, for all intents and purposes, a war zone?

Mr. FLORES. That is correct. It is out of control. We do not have control over the border.

And Congressman Poe has been there, and he’s seen it for himself. We’ve had the—I guess the media has sensationalized on the number of homicides that we’ve had.

And I would like to say something that Ms. Lofgren said.

You know, we’re worried about immigration. Immigration shouldn’t even be a priority here. It should be border security. And the only way we can have homeland security is to have border se-

curity. Put immigration second or third. Right now we need to protect our borders.

Mr. ROYCE. Thank you very much.

We're now going to Mr. Becerra.

Mr. BECERRA. Sheriff, thank you very much for being here.

And special thanks to Sheriff Lee Baca for not only the work you've done, but also for always your candid views on things. I appreciate that very much.

Let me see if I can just inquire a little bit more about the SCAAP program, which is to reimburse States for the incarceration of immigrants who are criminals and therefore prosecuted and convicted.

SCAAP funding is for the purpose of incarceration. And, as I think you've testified, you're already woefully underfunded. And, again, the Bush Administration has decided not to provide any money in its budget for SCAAP reimbursement to the States for criminal aliens.

But my question is this: Do you get to use any of that money for the arrests that occur, for the prosecution that occurs, for the detention that occurs prior to conviction for the actual prosecution itself that occurs to be able to send this person to jail for having committed a crime? Or is this money only for after the fact—to actually incarcerate them? In which case you're still only getting pennies on the dollar.

Mr. BACA. In Los Angeles County, the total prosecutorial and incarceration costs annually to the taxpayers are \$200 million.

Mr. BECERRA. How much did you say, Sheriff Baca, did you say you received from SCAAP funding, from the program?

Mr. BACA. \$11 million.

Mr. BECERRA. \$11 million.

And have you all made requests before to the Federal Government to increase the funding of SCAAP?

Mr. BACA. Every year, the National Sheriffs' Association agency, the major city chiefs of police, and the County of Los Angeles, because we have the largest illegal immigrant population in America, goes pleading to the Congress for reinstating the funding for SCAAP. And we've had bipartisan support 100 percent. All of the Congress Members of California have signed on to reinstate that funding.

Mr. BECERRA. Despite that bipartisan support, we still haven't been able to get the Bush Administration or Congress to support SCAAP at any kind of adequate level. Sheriff Kolender, I know you're not a guest, as well as you're not getting enough.

Let me ask this question: There's a big issue that occurs right now in regard to funding for Homeland Security money. Everyone's seen the reports in the news about how Wyoming is getting two, three, four, five times as much money per person to do Homeland Security, while many of our areas, which we know are high-risk for terrorist threats and activities, continue to have less than they need to adequately protect, not just the folks who live in that area, but all the folks who transit through. Los Angeles is a major transit point, not only for people but goods. San Diego I know is the same thing. You have a whole bunch of folks who cross over the border into the Texas area, Laredo and all the rest as well.

I suspect that if you were to ask Congress for money, you'd ask it based on the level of threat or risk from terrorism, not just because you happen to have a state.

Any quick comment on what happens with regard to that Homeland Security funding that you receive?

Mr. FLORES. I can say for the State of Texas we received—last year they received \$137 million. Out of \$137 million, we probably got less than a third. So I don't know where the rest went. I think it went to the university to study bioterrorism.

I would say that they ought to put it into border security instead of studying bioterrorism.

Mr. ROYCE. Congresswoman Blackburn.

Mrs. BLACKBURN. Thank you, Mr. Chairman. I appreciate that.

And Sheriff Flores, back to my original point, as we opened this hearing. The discussion today is on illegal entry. And I agree with you, how that affects this nation. You cannot have our national security unless we do secure this border. And it is about what comes here illegally, whether it is individuals or the 6,000 or 7,000 18-wheelers a day that are bringing this into this country.

And with the drug, with the cartels that are working, with the human smuggling that is taking place, with the weapons that are out there, I see in my district, in Tennessee, where those 6,000 or 7,000 18-wheelers are ending up on our highways, with those drugs, with those weapons. And that is why every town is a border town when it comes to this issue. And every State is a border State when we are talking about this issue.

So stopping that entry, securing this border, is what is before us and should be addressed. And we thank you all for your participation in this debate.

Sheriff Baca, you mentioned the 26 percent of the inmates in your jail are illegal entrants into this country. And I want to ask you a couple of questions quickly.

What number of those are repeat offenders? What percentage?

Mr. BACA. About 70 percent.

Mrs. BLACKBURN. So about 70 percent of the 26 percent are repeat offenders.

And then how often—how many of those are multiple repeat offenders? What percentage?

Mr. BACA. It ranges above 50 percent.

Mrs. BLACKBURN. Above 50 percent.

So part of our problem is we do not know who is coming here and whether they're coming to work or whether they're coming to do us harm. That is a big part of the situation you're dealing with.

Mr. BACA. More importantly, the criminal that is here to commit crime that's an illegal immigrant can get through this border much easier than any other type of illegal immigrant.

Mrs. BLACKBURN. And when you call ICE about one of these repeat offenders that you have locked up and then released, and you call them, how long does it take them to respond to you?

Mr. BACA. Immediately. We are in a partnership with ICE right now to identify all illegal immigrants that are entering the county jail system.

Mrs. BLACKBURN. Okay. Thank you very much.

I yield back, Mr. Chairman.

Mr. ROYCE. Thank you for yielding.

We'll go to Congressman Grijalva.

Mr. GRIJALVA. Thank you very much, Mr. Chairman.

Let me just say, I appreciate the National Sheriffs' Association on immigration.

Very realistic, and two points I want to make, I hear that, from your colleagues along the Mexico-Arizona border as well, very consistent with the comments that I've heard today.

The issue of discretion I think is an important issue. I think as we talk about national security and this panel, we also, in Congress, have been talking about shifting more and more of the enforcement responsibility on Federal laws to local authorities. And not only just giving them the discretion, but also beginning to mandate that authority. So I appreciate that recommendation. And I appreciate very much the dollar-for-dollar reimbursement. I think that's very important.

I think as we place more and more responsibility on local jurisdictions to assume more and more responsibility for the implementation of Federal law, then the consequence of that is it costs money, and that that money shouldn't be diverted from other activities that are needed for the local citizens there.

And then finally, and no questions, Mr. Chairman, and I'll yield back after this final comment, I want to extend my appreciation to Sheriff Baca's comments about immigration and the totality, because I think it's those kinds of comments that will hopefully entice my colleagues to take their head out of the sand when they talk about this issue.

Thank you very much.

Mr. ROYCE. Thank you.

We'll go to Mr. Rohrabacher.

Mr. ROHRABACHER. Here's one colleague who hasn't had his head in the sand for the last 15 years. I don't know where you've been.

Let me just note—unless it's down at the beach with Brian, of course.

Let me just note, the safety of the American people is all of our job. United States means us. It's not the Federal job. It's not the State job. It's not the county job, the local job, or even just the job of the average American citizen. It's all of us.

And as law enforcement officials, you should know more than anybody else that the citizenry participates in law enforcement or law enforcement doesn't work. I can tell you right now, either we work together to enforce Federal law on this issue or it won't work. And we have to have cooperation all the way down the line.

Let me note, I've listened very closely to Sheriff Baca. You have, of course, my respect, my deep admiration. First of all, you've got a good heart, and you've done a good job in Los Angeles. But let me just note this, and I will agree with you on that, and that is, the Federal Government should have a program that reimburses all of the local costs for anybody who's here illegally who commits a crime. We should just say that is part of the Federal cost. But let's just note it. The taxpayers are the same taxpayers. There are no Federal taxpayers and local taxpayers. All the money's coming out of the taxpayers' pockets. It's just how we organize the system.

Most importantly, for the system to work, we've got to have cooperation that says from now on, anybody that's illegal picked up by local law enforcement automatically assumes the costs and reimburses local people.

But at the same time, local government better darn well understand, my Democratic colleagues have always been against this, that we can't have a sanctuary in any city in the United States for illegal immigrants.

And what's happening, why we get tears about this, they're the same things that—offering sanctuary, thus attracting more illegals into their own city.

As I said, we're all taxpayers. Let's work together on that.

Let me also ask you a question, while I've got the floor.

What about a national ID card? Would that help you enforce the law?

And by the way, it is already illegal. It is already illegal for somebody to be in this country when they're here illegally. That means they have broken a law by being present. Illegal means illegal. And whether or not we make it a misdemeanor or a felony, it is still an illegal act for them to be here.

Would a national ID card help in the enforcement of immigration law?

Mr. BACA. Yes.

Mr. ROYCE. Okay, time has expired.

We're going to go to—we've got an affirmation.

We're going to go to Congresswoman Davis. Then we're going to Congressman Bilbray, and then Congresswoman Napolitano.

Mrs. DAVIS. Thank you, Mr. Chairman. And, obviously, there's a little difference here in terms of being aggressive with the time, but I appreciate your leadership.

And thank you, Sheriff Kolender, for mentioning the urban grants. They're extremely important in this community. And it really is amazing to us that we've not been able to make our point as clearly as we'd like.

I want to focus more on the help that you're getting in responding to terrorism-related threats and concerns in the community.

Do you feel that the Department of Homeland Security and the Federal Government is adequately working with you on that issue? And if so, if you could give us some kind of a grade in that? And how can it be improved?

Mr. KOLENDER. I'm not sure I know the answer to all the questions.

But we certainly work well with the Federal Government and we have a Joint Terrorism Task Force that does, in fact, have a special location with special technology and computers. And we do work together and we do identify problems and we solve them together throughout the county.

All of the law enforcement is involved.

Mrs. DAVIS. Are there elements of communication? Are there other elements, though, that you feel would be helpful to you in doing your job you've not been able to get because of the grants, either from SCAAP or from other sources or from other means, have not been there?

Because, obviously, as you've said, you're taking the money away from other critical factors in your work in order to backfill some of the needs that——

Mr. KOLENDER. We do need more SCAAP money. I think the rest it is—we are, from an intelligence perspective, I think we're doing pretty well.

Keep in mind that recruiting in California is very difficult. And there are very few departments, if any, that are fully staffed. I don't mean by budget. I mean just the fact that they don't have the people there. We're short. I'm sure L.A. is short. I mean, my God, he's obviously short. For the amount of land that he polices, that's unbelievable. It's almost as big as our city.

Mrs. DAVIS. Sheriff Flores, did you want to comment on that, or Sheriff Baca?

Mr. FLORES. Madam Congresswoman——

Mrs. DAVIS. What's being taken away from your efforts?

Mr. FLORES. Pretty much the support in terms of resources. It's very difficult for us to perform our jobs when we're limited in resources.

The government has been good to us. We work very closely with the Federal Government and the State government. And I think now we've broken the barriers in terms of sharing intelligence. We were very territorial in terms of sharing intelligence. Post-9/11 I think we see now we're working together. We're starting to share intelligence. We've got these joint task forces. So it's helping now.

Mr. ROYCE. Congressman Bilbray.

Mr. BILBRAY. First question I'd like to give to Sheriff Kolender. We had a private conversation about 6 months ago. I asked what we could do at the Federal Government to secure the safety of the neighborhoods of San Diego County. You told me secure illegal immigration.

Does that recommendation still stand?

Mr. FLORES. Yes.

Mr. BILBRAY. I'd like to ask if you guys could guess what percentage of illegal aliens do you think use falsified documents? Ninety percent? High 90s? Almost all of them?

Mr. KOLENDER. I don't know what the percentage is. Do you know?

Mr. BACA. It's got to be well over 100.

Mr. BILBRAY. I've heard up in the 90s.

I just want to point out, it is a felony today to use falsified documents. And we haven't seen it fill up our jails. So I think, in all reasonableness, you've got to understand, that is a felon out there now.

But that aside, I don't want to talk about that as much as—we've talked about terrorism. And I think a few years ago, we saw all the terrorists in another country decapitate people.

And people say why Mexico, why not Canada?

Sheriff Kolender, you want to break the news of what happened to three law enforcement officers about two miles from this location in the last couple of weeks?

Mr. KOLENDER. They were killed. [Referring to Mexican police officers.]

Mr. BILBRAY. They were not only killed. They were decapitated, weren't they.

Mr. KOLENDER. Yes.

Mr. BILBRAY. So terrorism doesn't have to come from far away. And I think—I'd just like to say that when we talk about different borders, there's different situations and levels of concern.

Let's go on the positive side, though.

I served 18 years with local government so I really relate to you guys. Asset forfeiture, that's one of the best deals the Federal Government does for law enforcement, wouldn't you say? Do we still have that?

Mr. KOLENDER. Yes. We do.

Mr. BILBRAY. Okay, when it comes to drug confiscation, we do asset forfeitures. You guys see where I'm going?

Maybe we might be able to inspire more cooperation if we do with illegal immigration and smuggling what we do with drugs. Can you imagine where we would be with the drug fight if we took the same attitude that we take on immigration?

What I would ask you is would you support a proposal to allow asset forfeitures to be shared with local government when it comes to human trafficking and alien smuggling?

Mr. FLORES. In Texas, our asset forfeitures, we take 80 percent and the State takes 20 percent.

If you ask me, I wish we would take 100 percent. Okay? And the Federal Government takes, I think, 25 to 30 percent. So it goes back into the economy.

But just for example, in 1 year alone, we seized \$1.5 million in cash going southbound. So just in one vehicle alone, we had \$800,000. So that was 80 percent we got.

Now, we cannot hire people with asset forfeitures. We can only use it for law enforcement purposes such as equipment——

Mr. BILBRAY. I would suggest that we do that for immigration.

Mr. ROYCE. We're going to recognize Congresswoman Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chair.

Mr. Kolender and Sheriffs, the bill allowing for the State and the sheriffs' ability to identify and document it was a bill that I authored and passed in the State legislature years ago. I hope it's still in use here in California. Because then INS would be, at that time, INS was able to deport them once they were identified.

Is it still being used? Is the bill that identifies, as they were adjudicated, whether or not they're undocumented, illegal, if you will, then they mark it off on a form that these people, a month before the release, or 3 months, I can't remember what the bill said, would then call the department—whether it's the prison or the sheriff—would call INS. And at the moment they would be deported, they would be grabbed and sent wherever they came from?

Mr. KOLENDER. Yes, that happens.

Mrs. NAPOLITANO. That was my bill, sir. I just want to make sure. Because we have some laws in place that we may not be utilizing, but then I don't know what the system then does to make either a formal deportation or a voluntary deportation which brings them back into your jails for the repeated 18-plus times.

Mr. KOLENDER. Both ways being back.

Mrs. NAPOLITANO. But then after the third formal deportation, sir, they're supposed to be in Federal prisons, not yours. That's Federal law.

Mr. BACA. That only occurs, Congresswoman, when the U.S. Attorney's office presents a case to the Federal court. And that's our issue earlier that we've identified, that there's not enough U.S. Attorneys to do this work.

Mrs. NAPOLITANO. Thank you. Then that should be something that we should look at when we're sending through.

What other—you've heard the prior panel indicate that they need three basic things: Personnel, technology, and infrastructure.

Would you add funding to that?

Mr. BACA. Absolutely.

Funding is the critical answer to all these major problems, because this is a growth industry. The minute the Federal Government woke up, it might have a little bit of responsibility for the illegal immigrant problem. And then resources need to be developed in order to acquire the solution.

You're talking about an incalculable amount of money, as I mentioned, as much as one-third of a trillion dollars, by one of your colleagues.

This has got to be really discussed in a very serious way. And I'm going to say this. As an elected sheriff in the largest county of the United States, you might think you have the power to tell me about enforcing laws, and I think I understand what that power is. But you'd better back it up with a little bit of money, because the Federal Government can't afford to be pushing something down to us without that reimbursement.

Mrs. NAPOLITANO. Sheriff, isn't it true that you have a third of the State's population in L.A. County?

Mr. BACA. We have 10 million people residing in L.A. County.

Mrs. NAPOLITANO. And that's 35- in California?

Mr. BACA. That's correct.

Mr. ROYCE. I want to take the opportunity to thank all of our witnesses here today for making the trip to testify before our Committee.

At this time, we're going to bring up the third panel. Let me also explain that, due to time and due to the fact that the Border Patrol needs this facility at 12:45, I've got to inform the witnesses, we have your written testimony. I'm going to have to ask you to summarize in 2 minutes your testimony. I'm going to have to ask the Members, we're going to go to 2 minutes for questions.

If you'll take your seats, we'll start momentarily.

[Recess taken.]

Mr. ROYCE. I'm going to ask everyone to take their seats at this time and I'm going to introduce our next panel.

If you please take your seats, we are operating under a time constraint here and we have to get underway.

Mr. Gregory Kutz is the managing director of GAO's Forensic Audits and Special Investigations unit. The mission of that organization is to provide the Congress with high-quality forensic audits and investigations of fraud and waste and abuse and evaluations of security vulnerabilities. This unit monitors and manages waste, fraud and abuse tips from the GAO's fraud hot line, I might add.

Mr. T.J. Bonner has served as president of the National Border Patrol Council of the American Federation of Government Employees, AFL–CIO, since 1989, representing the interests of Border Patrol personnel. He’s been a Border Patrol agent in San Diego area since 1978. Mr. Bonner’s a recognized expert on immigration, border, and homeland security issues.

Professor Kris Kobach is a professor of law at the University of Missouri—Kansas City School of Law, where he has taught since 1996. In 2001, Professor Kobach began his service as chief advisor on immigration and border security issues, and later as counsel for the Attorney General. Professor Kobach’s field of specialty is constitutional law, immigration law, and legislation.

And lastly, Mr. Andy Ramirez serves as chairman of Friends of the Border Patrol, a nonprofit organization that was created to support the U.S. Border Patrol while improving the quality of life for citizens along our borders.

Gentlemen, we’ve reviewed your written testimony, as I said. So if each of you will limit yourself to 2 minutes.

Mr. Kutz, we’ll start with you.

**STATEMENT OF MR. GREGORY KUTZ, MANAGING DIRECTOR,
FORENSIC AUDITS AND SPECIAL INVESTIGATIONS, U.S. GOV-
ERNMENT ACCOUNTABILITY OFFICE**

Mr. KUTZ. Mr. Chairman, Members of the Subcommittee and other Members of Congress, thank you for the opportunity to discuss our undercover opportunity to test border security. We tested two land ports of entry that had radiation border monitors installed, one at the United States-Canadian border and the other at the United States-Mexican border.

For each border crossing, we used radioactive sources that were commonly used in industry and sufficient to manufacture a dirty bomb. It is important to note that a dirty bomb would contaminate an area and could result in significant loss of business and cleanup costs.

However a dirty bomb would generally not contain enough radiation to kill people or cause serious illness. Thus a dirty bomb is considered to be a weapon of mass disruption rather than a weapon of mass destruction. We purchased a small amount of our radioactive sources from a commercial supplier using a fictitious company. Note that we could have purchased all of the radioactive sources that we needed for both of our border crossings using the same fictitious company and fabricated story. It’s also important to note that our fictitious company was from the Washington, DC, area and that all of the radioactive sources that we purchased were shipped to our nation’s capital.

We also produced counterfeit documents which were discussed in earlier years as an important issue. We also produced a logo for our fictitious company and a counterfeit bill of lading. In December 2005, two teams of investigators made a simultaneous crossing of the north and south borders with this material. Although both of our vehicles were inspected in accordance with CBP policy, our ruse was successful and we were able to enter the United States from both Canada and Mexico with our radioactive sources. The

CBP inspectors never validated the existence of our fictitious company or the authenticity of our counterfeit documents.

Mr. Chairman, hence my statement.

I look forward to your questions.

[The prepared statement of Mr. Kutz follows:]

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Testimony

Before the Subcommittee on International
Terrorism and Nonproliferation,
Committee on International Relations,
House of Representatives

BORDER SECURITY

Investigators Transported Radioactive Sources Across Our Nation's Borders at Two Locations

Statement of Gregory D. Kutz, Managing Director
Forensic Audits and Special Investigations



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Highlights

Highlights of GAO-06-469T, testimony before the Subcommittee on International Terrorism and Nonproliferation, Committee on International Relations, House of Representatives.

Why GAO Did This Study

Given today's unprecedented terrorism threat environment and the resulting widespread congressional and public interest in the security of our nation's borders, GAO conducted an investigation testing whether radioactive sources could be smuggled across U.S. borders.

Most travelers enter the United States through the nation's 164 land border ports of entry. Department of Homeland Security U.S. Customs and Border Protection (CBP) inspectors at ports of entry are responsible for the primary inspection of travelers to determine their admissibility into the United States and to enforce laws related to preventing the entry of contraband, such as drugs and weapons of mass destruction.

GAO's testimony provides the results of undercover tests made by its investigators to determine whether monitors at U.S. ports of entry detect radioactive sources in vehicles attempting to enter the United States. GAO also provides observations regarding the procedures that CBP inspectors followed during its investigation.

GAO has also issued a report on the results of this investigation (GAO-06-546R).

www.gao.gov/cgi-bin/gettrf?GAO-06-469T

To view the full product, including the scope and methodology, click on the link above. For more information, contact Gregory O. Kutz at (202) 512-7425 or gokutz@gao.gov.

July 5, 2006

BORDER SECURITY

Investigators Transported Radioactive Sources Across Our Nation's Borders at Two Locations

What GAO Found

For the purposes of this undercover investigation, GAO purchased a small amount of radioactive sources and one secure container used to safely store and transport the material from a commercial source over the telephone. One of GAO's investigators, posing as an employee of a fictitious company located in Washington, D.C., stated that the purpose of his purchase was to use the radioactive sources to calibrate personal radiation detection pagers. The purchase was not challenged because suppliers are not required to determine whether prospective buyers have legitimate uses for radioactive sources, nor are suppliers required to ask a buyer to produce an NRC document when purchasing in small quantities. The amount of radioactive sources GAO's investigator sought to purchase did not require an NRC document. Subsequently, the company mailed the radioactive sources to an address in Washington, D.C.

The radiation portal monitors properly signaled the presence of radioactive material when our two teams of investigators conducted simultaneous border crossings. Our investigators' vehicles were inspected in accordance with most of the CBP policy at both the northern and southern borders. However, GAO's investigators, using counterfeit documents, were able to enter the United States with enough radioactive sources in the trunks of their vehicles to make two dirty bombs. According to the Centers for Disease Control and Prevention, a dirty bomb is a mix of explosives, such as dynamite, with radioactive powder or pellets. When the dynamite or other explosives are set off, the blast carries radioactive material into the surrounding area. The direct costs of cleanup and the indirect losses in trade and business in the contaminated areas could be large. Hence, dirty bombs are generally considered to be weapons of mass disruption instead of weapons of mass destruction. GAO investigators were able to successfully represent themselves as employees of a fictitious company present a counterfeit bill of lading and a counterfeit NRC document during the secondary inspections at both locations. The CBP inspectors never questioned the authenticity of the investigators' counterfeit bill of lading or the counterfeit NRC document authorizing them to receive, acquire, possess, and transfer radioactive sources.

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to discuss our investigation of potential security weaknesses associated with the installation of radiation detection equipment at U.S. ports of entry. To address the threat of dirty bombs and other nuclear material, the federal government has programs in place that regulate the transportation of radioactive sources and to prevent illegal transport of radioactive sources across our nation's borders. The Department of Homeland Security through the U.S. Customs and Border Protection (CBP) uses radiation detection equipment at ports of entry to prevent such illicit entry of radioactive sources. The goal of CBP's inspection program is to "...thwart the operations of terrorist organizations by detecting, disrupting, and preventing the cross-border travel of terrorists, terrorist funding, and terrorist implements, including Weapons of Mass Destruction and their precursors." Deploying radiation detection equipment is part of CBP's strategy for thwarting radiological terrorism and CBP is using a range of such equipment to meet its goal of screening all cargo, vehicles, and individuals coming into the United States.

Most travelers enter the United States through the nation's 154 land border ports of entry. CBP inspectors at ports of entry are responsible for the primary inspection of travelers to determine their admissibility into the United States and to enforce laws related to preventing the entry of contraband, such as drugs and weapons of mass destruction.

Our investigation was conducted as a result of widespread congressional and public interest in the security of our nation's borders, given today's unprecedented terrorism threat environment. Our investigation was conducted under the premise that given today's security environment, our nation's borders must be protected from the smuggling of radioactive sources by terrorists.

This testimony will provide the results of our work related to testing whether the radiation portal monitors installed at the U.S. ports of entry would detect radioactive sources transported in vehicles attempting to enter the United States. We will also provide our observations regarding the procedures that CBP inspectors followed when the radiation portal monitors detected such material. In addition, at the request of the Chairman of the Senate Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, we issued in March 2006 a detailed report with corrective action briefings to CBP and

the Nuclear Regulatory Commission (NRC) on the results of our undercover border crossing tests.¹

We selected two land ports of entry that had radiation portal monitors installed: one at the U.S.-Canadian border and one at the U.S.-Mexican border. Radiation portal monitors are large pieces of stationary equipment that CBP uses as part of its overall strategy to thwart radiological terrorism by detecting the presence of radioactive sources by screening people, vehicles, and cargo as they pass through ports of entry. In order to safely plan and execute our undercover operation, several of our investigators attended training at the National Institute of Standards and Technology (NIST) in Gaithersburg, Maryland. Our investigators received training on the safe handling, storage, and transport of radioactive sources.

When considering the type of radioactive sources to use in our undercover operation, we decided to use one of the most common radioisotopes used in industry for its strong radioactivity and also used in medical therapy to treat cancer. After consulting with an outside expert, we used an amount of radioactive sources that we determined was sufficient to manufacture a dirty bomb.² A dirty bomb would most likely result in small radiation exposures and would typically not contain enough radiation to kill people or cause severe illnesses. However, by scattering the radioactive material, the dirty bomb has the effect of contaminating an area. The extent of local contamination depends on several factors, including the size of the explosive, the amount and type of radioactive material used, and weather conditions. While there could be an increase in the cancer risk among those exposed to radiation from a dirty bomb, the more significant effect of a dirty bomb could be the closing of contaminated areas. The direct costs of cleanup and the indirect losses in trade and business in the contaminated areas could be large. Hence, dirty bombs are generally considered to be weapons of mass disruption instead of weapons of mass destruction.

¹GAO, *Border Security: Investigators Successfully Transported Radioactive Sources Across Our Nation's Borders at Selected Locations*, GAO-06-545R (Washington, D.C.: Mar. 28, 2006).

²According to the Centers for Disease Control and Prevention, a dirty bomb is a mix of explosives, such as dynamite, with radioactive powder or pellets. When the dynamite or other explosives are set off, the blast carries radioactive material into the surrounding area.

As part of our investigation, we purchased a small quantity of the radioactive sources from a commercial source by posing as an employee of a fictitious company. This was to demonstrate that anyone can purchase small quantities of radioactive sources for stockpiling because suppliers are not required to exercise due diligence to determine whether the buyer has a legitimate use for the radioactive sources and suppliers are not required to ask the buyer to produce an NRC document when making purchases in small quantities. We then deployed two teams of investigators to the field to make simultaneous border crossings at the northern and southern borders in an attempt to transport radioactive sources into the United States.

While making our simultaneous crossings, we focused our investigation on whether the radiation portal monitors would detect the radioactive sources we carried and whether CBP inspectors exercised due diligence to determine the authenticity of paperwork presented by individuals attempting to transport radioactive sources across our borders. Although we offer observations on the procedures that CBP inspectors followed for our two border crossings, we did not evaluate the adequacy of the design or effectiveness of those procedures. Our investigation also tested whether an NRC document could be counterfeited using data easily accessible and available to the public. We conducted our investigation from July 2005 through December 2006 in accordance with quality standards for investigations as set forth by the President's Council on Integrity and Efficiency.

Summary

For the purposes of this undercover investigation, we purchased a small amount of radioactive sources and one container used to store and transport the material from a commercial source over the telephone. One of our investigators, posing as an employee of a fictitious company located in Washington, D.C., stated that the purpose of his purchase was to use the radioactive sources to calibrate personal radiation detection pagers. The purchase was not challenged because suppliers are not required to determine whether a buyer has a legitimate use for the radioactive sources, nor are suppliers required to ask the buyer to produce an NRC document when making purchases in small quantities.

The radiation portal monitors properly signaled the presence of radioactive material when our two teams of investigators conducted simultaneous border crossings. Our investigators' vehicles were inspected in accordance with most of the CBP policy at both the northern and southern borders. However, our investigators, using counterfeit documents, were able to enter the United States with enough radioactive sources in the trunks of their vehicles to make two dirty bombs.

	Specifically, they were able to successfully represent themselves as employees of a fictitious company and present a counterfeit bill of lading and a counterfeit NRC document during the secondary inspections at both locations. The CBP inspectors never questioned the authenticity of the investigators' counterfeit bill of lading or the counterfeit NRC document authorizing them to receive, acquire, possess, and transfer radioactive sources.
Documentation Was Produced to Support Undercover Investigation	<p>As part of our undercover investigation, we produced counterfeit documents before sending our two teams of investigators out to the field. We found two NRC documents and a few examples of the documents by searching the Internet.⁹ We subsequently used commercial, off-the-shelf computer software to produce two counterfeit NRC documents authorizing the individual to receive, acquire, possess, and transfer radioactive sources.</p> <p>To support our investigators' purported reason for having radioactive sources in their possession when making their simultaneous border crossings, a GAO graphic artist designed a logo for our fictitious company and produced a bill of lading using computer software.</p>
With Ease, Investigators Purchased, Received, and Transported Radioactive Sources Across Both Borders	<p>Our two teams of investigators each transported an amount of radioactive sources sufficient to manufacture a dirty bomb when making their recent, simultaneous border crossings. In support of our earlier work, we had obtained an NRC document and had purchased radioactive sources as well as two containers to store and transport the material.</p> <p>For the purposes of this undercover investigation, we purchased a small amount of radioactive sources and one container for storing and transporting the material from a commercial source over the telephone. One of our investigators, posing as an employee of a fictitious company, stated that the purpose of his purchase was to use the radioactive sources to calibrate personal radiation detectors. Suppliers are not required to exercise any due diligence in determining whether the buyer has a legitimate use for the radioactive sources, nor are suppliers required to ask the buyer to produce an NRC document when making purchases in small quantities. The amount of radioactive sources our investigator sought to purchase did not require an NRC document. The company mailed the radioactive sources to an address in Washington, D.C.</p>

⁹None of these documents were available on NRC's Web site.

Two Teams of
Investigators
Conducted
Simultaneous
Crossings at the U.S.-
Canadian Border and
U.S.-Mexican Border

Northern Border Crossing

On December 14, 2005, our investigators placed two containers of radioactive sources into the trunk of their rental vehicle. Our investigators – acting in an undercover capacity – drove to an official port of entry between Canada and the United States. They also had in their possession a counterfeit bill of lading in the name of a fictitious company and a counterfeit NRC document.

At the primary checkpoint, our investigators were signaled to drive through the radiation portal monitors and to meet the CBP inspector at the booth for their primary inspection. As our investigators drove past the radiation portal monitors and approached the primary checkpoint booth, they observed the CBP inspector look down and reach to his right side of his booth. Our investigators assumed that the radiation portal monitors had activated and signaled the presence of radioactive sources. The CBP inspector asked our investigators for identification and asked them where they lived. One of our investigators on the two-man undercover team handed the CBP inspector both of their passports and told him that he lived in Maryland while the second investigator told the CBP inspector that he lived in Virginia.

The CBP inspector also asked our investigators to identify what they were transporting in their vehicle. One of our investigators told the CBP inspector that they were transporting specialized equipment back to the United States. A second CBP inspector, who had come over to assist the first inspector, asked what else our investigators were transporting. One of our investigators told the CBP inspectors that they were transporting radioactive sources for the specialized equipment. The CBP inspector in the primary checkpoint booth appeared to be writing down the information. Our investigators were then directed to park in a secondary

inspection zone, while the CBP inspector conducted further inspections of the vehicle.

During the secondary inspection, our investigators told the CBP inspector that they had an NRC document and a bill of lading for the radioactive sources. The CBP inspector asked if he could make copies of our investigators' counterfeit bill of lading on letterhead stationery as well as their counterfeit NRC document. Although the CBP inspector took the documents to the copier, our investigators did not observe him retrieving any copies from the copier.

Our investigators watched the CBP inspector use a handheld Radiation Isotope Identifier Device (RIID), which he said is used to identify the source of radioactive sources, to examine the investigators' vehicle. He told our investigators that he had to perform additional inspections. After determining that the investigators were not transporting additional sources of radiation, the CBP inspector made copies of our investigators' drivers' licenses, returned their drivers' licenses to them, and our investigators were then allowed to enter the United States. At no time did the CBP inspector question the validity of the counterfeit bill of lading or the counterfeit NRC document.

Southern Border Crossing

On December 14, 2005, our investigators placed two containers of radioactive sources into the trunk of their vehicle. Our investigators drove to an official port of entry at the southern border. They also had in their possession a counterfeit bill of lading in the name of a fictitious company and a counterfeit NRC document.

At the primary checkpoint, our two-person undercover team was signaled by means of a traffic light signal to drive through the radiation portal monitors and stopped at the primary checkpoint for their primary inspection. As our investigators drove past the portal monitors and approached the primary checkpoint, they observed that the CBP inspector remained in the primary checkpoint for several moments prior to approaching our investigators' vehicle. Our investigators assumed that the radiation portal monitors had activated and signaled the presence of radioactive sources.

The CBP inspector asked our investigators for identification and asked them if they were American citizens. Our investigators told the CBP inspector that they were both American citizens and handed him their state-issued drivers' licenses. The CBP inspector also asked our investigators about the purpose of their trip to Mexico and asked whether they were bringing anything into the United States from Mexico. Our

investigators told the CBP inspector that they were returning from a business trip in Mexico and were not bringing anything into the United States from Mexico.

While our investigators remained inside their vehicle, the CBP inspector used what appeared to be a RIID to scan the outside of the vehicle. One of our investigators told him that they were transporting specialized equipment. The CBP inspector asked one of our investigators to open the trunk of the rental vehicle and to show him the specialized equipment. Our investigator told the CBP inspector that they were transporting radioactive sources in addition to the specialized equipment. The primary CBP inspector then directed our investigators to park in a secondary inspection zone for further inspection.

During the secondary inspection, the CBP inspector said he needed to verify the type of material our investigators were transporting, and another CBP inspector approached with what appeared to be a RIID to scan the cardboard boxes where the radioactive sources was placed. The instrumentation confirmed the presence of radioactive sources.

When asked again about the purpose of their visit to Mexico, one of our investigators told the CBP inspector that they had used the radioactive sources in a demonstration designed to secure additional business for their company. The CBP inspector asked for paperwork authorizing them to transport the equipment to Mexico. One of our investigators provided the counterfeit bill of lading on letterhead stationery, as well as their counterfeit NRC document. The CBP inspector took the paperwork provided by our investigators and walked into the CBP station. He returned several minutes later and returned the paperwork. At no time did the CBP inspector question the validity of the counterfeit bill of lading or the counterfeit NRC document.

Corrective Action Briefings

We conducted corrective action briefings with CBP and NRC officials shortly after completing our undercover operations. On December 21, 2005, we briefed CBP officials about the results of our border crossing tests. CBP officials agreed to work with the NRC and CBP's Laboratories and Scientific Services to come up with a way to verify the authenticity of NRC materials documents.

We conducted two corrective action briefings with NRC officials on January 12 and January 24, 2006, about the results of our border crossing tests. NRC officials disagreed with the amount of radioactive material we determined was needed to produce a dirty bomb, noting that NRC's "concern threshold" is significantly higher. We continue to believe that our

purchase of radioactive sources and our ability to counterfeit an NRC document are matters that NRC should address. We could have purchased all of the radioactive sources used in our two undercover border crossings by making multiple purchases from different suppliers, using similarly convincing cover stories, using false identities, and had all of the radioactive sources conveniently shipped to our nation's capital.

Further, we believe that the amount of radioactive sources that we were able to transport into the United States during our operation would be sufficient to produce two dirty bombs, which could be used as weapons of mass disruption. Finally, NRC officials told us that they are aware of the potential problems of counterfeiting documents and that they are working to resolve these issues.

Mr. Chairman and Members of the Subcommittee, this concludes my statement. I would be pleased to answer any questions that you or other members of the Subcommittee may have at this time.

Contacts and Acknowledgments

For further information about this testimony, please contact Gregory D. Kutz at (202) 512-7455 or kutzg@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this testimony.

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Mr. ROYCE. Thank you, Mr. Kutz.
Mr. Bonner.

**STATEMENT OF MR. T.J. BONNER, PRESIDENT, NATIONAL
BORDER PATROL COUNCIL**

Mr. BONNER. Chairman Royce, Ranking Member Sherman, Members of the Subcommittee and Congress. Thank you for the invitation to hear the concerns of the front line employees of the United States Border Patrol.

Our borders are clearly out of control. The Border Patrol's responsible, with a very small workforce of 11,500 agents, to patrol about 8,000 miles of border, costal and land borders. We don't even bother with the over 1,000 miles of border between the United States up at the Alaskan-Canadian border. You're home-free if you get if there, hop on Alaska Airlines and you're free to come to any other part of the United States and the same holds true with many of our other territories. The Coast Guard is responsible for 95,000 miles of coastal area, with 35,000 personnel, many of whom have other responsibilities. It's very clear it's easy for anyone to slip across that border.

Every year the Border Patrol catches over a million people. The ones that concern me are the ones that we don't catch. Our front line agents estimate that we catch every one out of two or three people that cross that border.

The real question is not are our borders vulnerable. The real question is what do we do about that.

Our recommendation is first and foremost we turn off the magnets that lure people here. The Border Patrol spends 98 or 99 percent of its time dealing with people coming across looking for work when our primary focus needs to be on the people who are coming across to do us harm.

We can eliminate the haystack, if you will, by coming up with a secure system of allowing employers to figure out who has a right to work in this country and punishing those employers who ignore or disobey that law. That is the key to gaining control of our borders. If we don't do that step and neither the House nor the Senate version of immigration reform effectively do that, then we're spinning our wheels and I see that my time has expired.

[The prepared statement of Mr. Bonner follows:]

**PREPARED STATEMENT OF MR. T.J. BONNER, PRESIDENT, NATIONAL BORDER PATROL
COUNCIL**

The National Border Patrol Council appreciates the opportunity to present the views and concerns of the 10,500 front-line Border Patrol employees that it represents regarding the vulnerabilities of our Nation's borders and its implications for international terrorism.

Nearly five years after the horrific terrorist attacks of September 11, 2001, the borders of the United States remain disturbingly porous. Three Federal agencies have primary responsibility for securing our Nation's borders: The U.S. Border Patrol is responsible for guarding all 6,000 miles of land borders between the designated Ports of Entry, as well as about 2,000 miles of coastal borders. It currently has about 11,500 agents that provide around-the-clock coverage. Thus, at any given time there is only one agent for every three miles of border. Since certain areas have a much higher concentration of agents, it is obvious that many areas are largely unprotected.

The U.S. Coast Guard is responsible for patrolling the other 93,000 miles of America's coastlines, including the Great Lakes and inland waterways. It is impossible

for the Coast Guard's 35,000 employees to adequately patrol these vast expanses of water, especially since its many other responsibilities significantly reduce the number of personnel assigned to homeland security duties.

Officers of the U.S. Customs and Border Protection bureau are responsible for inspecting more than 430 million people and 25 million cargo containers entering through 317 Ports of Entry in the United States every year. This massive volume makes it extremely difficult for its 18,000 officers to conduct thorough inspections. For example, only about 5 percent of all cargo that enters the United States is physically inspected.

Despite the best efforts of all of these dedicated employees and the large numbers of arrests and seizures that they make every year, millions of illegal aliens and untold quantities of contraband continue to slip across our borders annually. Front-line Border Patrol agents estimate that for every person they apprehend, two or three successfully enter the United States illegally.

Last year, about 155,000 illegal aliens from countries other than Mexico were apprehended by the Border Patrol, and many of them were released into the streets of America because of a lack of detention funds. Of that total number, a few hundred were categorized as "special interest aliens" because they are from countries where terrorist groups that pose a threat to the United States are actively operating. This small number would be more meaningful if it represented all or even most of the people from those countries who cross our borders illegally. Unfortunately, illegal aliens and contraband smuggled across the border by sophisticated organizations are rarely detected and apprehended. To cite but one example, in September of 2004 the Bureau of Immigration and Customs Enforcement announced that it had broken up a smuggling ring responsible for bringing more than 200 illegal aliens from Iraq and Jordan to Detroit, Michigan across our southern border over a period of about three years. During that same time frame, the Border Patrol apprehended fewer than 100 people from those two countries.

The overall numbers are even more depressing. Although the Border Patrol apprehended almost 1.2 million illegal aliens last year, the total number of illegal aliens living in the United States continues to climb dramatically. The latest estimates of the number of illegal aliens in the United States range from a low of 12 million to as many as 20 million.

The reason for this dismal record of success in securing our borders is fairly obvious—the Border Patrol and other law enforcement agencies engaged in this effort are simply overwhelmed. This fact has not escaped the attention of those who would do us harm. In testimony before the Senate Select Committee on Intelligence on February 16, 2005, then-Deputy Secretary of the Department of Homeland Security, Admiral James Loy, acknowledged that intelligence reports have confirmed al-Qaida's interest in exploiting our border security weaknesses:

However, entrenched human smuggling networks and corruption in areas beyond our borders can be exploited by terrorist organizations. Recent information from on-going investigations, detentions, and emerging threat streams strongly suggests that al-Qaida has considered using the Southwest Border to infiltrate the United States. Several al-Qaida leaders believe operatives can pay their way into the country through Mexico and also believe illegal entry is more advantageous than legal entry for operational security reasons. However, there is currently no conclusive evidence that indicates al-Qaida operatives have made successful penetrations into the United States via this method.

Of course, the lack of conclusive evidence that terrorists have successfully entered the United States in no way proves that they have not done so—it merely proves that we have not been successful in interdicting any of them. This is hardly something to boast about.

There is little serious question about the vulnerability of our Nation's borders. The real question is what needs to be done to address these deficiencies. During the past dozen years, the Federal Government has significantly increased the budget and personnel of the agencies that are primarily responsible for securing our borders, yet they remain perilously insecure. One definition of insanity is "doing the same thing over and over and expecting different results." If the current strategy is inadequate, what more needs to be done? The National Border Patrol Council believes that the following measures must be taken in order to secure our borders and protect against international terrorism:

- 1) *Eliminate the employment magnet that attracts millions of illegal aliens to this country annually.*
- 2) *Eliminate the benefit magnets that encourage illegal aliens to remain in this country.*

- 3) *Refrain from rewarding those who have broken our immigration laws.*
- 4) *Prior to considering an expanded guest worker program, ensure that the employment magnet is eliminated and that an expanded program would not depress wages in the United States.*
- 5) *Provide adequate funding for the personnel and equipment necessary to secure our borders, enforce our immigration laws, and protect against international terrorism.*
- 6) *Enhance the level of planning, coordination, and cooperation between Federal, State and local governments.*

ELIMINATE THE EMPLOYMENT MAGNET

The overwhelming majority of the people who violate our immigration laws do so for one simple reason—to improve their economic lot in life. With the average unskilled worker in most developing nations earning less than five dollars a day, it is no wonder that millions of them cross our borders illegally every year in search of employment. Since most of these people have very little to lose, traditional law enforcement methods have proven to be largely ineffective at stopping them from entering the United States illegally. Fences and increased patrols have only served to push smuggling traffic from one location to another. Desperate migrants have been more than willing to pay the increased smuggling fees and risk their lives by crossing through dangerous climates and terrain. Likewise, imprisonment is not a practical nor cost-effective solution. It costs approximately \$50,000 annually to house one inmate in a Federal prison. Incarcerating all of the illegal aliens who are captured annually would cost 60 billion dollars for each year of confinement.

The only effective way to discourage people from breaking our immigration laws is by denying them the ability to work in this country. The current law clearly does not achieve that goal. Moreover, the Basic Pilot Program that forms the nucleus of both the House and Senate employment verification systems is also incapable of doing so. As noted by the Government Accountability Office in a report last August, that system is highly susceptible to identity theft because it provides for the use of a separate, easily counterfeited document to establish a person's identity. A database that matches a person's name against their Social Security number and date of birth is worthless if imposters can easily defraud it. In order for an employment verification system to be effective, it must utilize a single counterfeit-proof document that establishes the bearer's identity as well as employment eligibility. The most logical choice for this document is an enhanced Social Security card that incorporates encoded biometric and other security features. This document would not be a national identification card, as it would not contain any more information than the existing card (i.e., name and Social Security number) other than the addition of a recent digital photograph, and would only need to be presented when a person is applying for employment. H.R. 98, the "Illegal Immigration Enforcement and Social Security Protection Act of 2005," contains all of these provisions, as well as the authorization to hire 10,000 additional personnel to ensure that employers abide by them.

The enactment of these provisions would result in a dramatic decline in the volume of illegal immigration. Unable to find employment in the United States, most people would be discouraged from crossing our borders illegally, and most of those who are now here illegally would voluntarily go home. At that point, the overwhelming majority of those attempting to illegally cross our borders would be criminals and terrorists, and the total number of annual crossings would dwindle to a much more manageable number. Their methods of entry would be sophisticated, however, and their attempts to avoid arrest would often involve violence. This would require revised law enforcement strategies that rely on advanced technology to immediately detect such intrusions and appropriate vehicles and aircraft that allow superior numbers of law enforcement officers to rapidly respond to each one.

ELIMINATE THE BENEFIT MAGNETS

Although the lure of higher-paying jobs is the primary reason that people violate our immigration laws, the ease with which they can obtain public assistance, free health care, educational benefits for their children, and other benefits at low or no cost encourage many people to remain here illegally. Eliminating the employment magnet without addressing this factor would have the unintended consequence of creating a large class of people who rely on these benefits for survival without contributing anything to our society.

REFRAIN FROM REWARDING THOSE WHO HAVE BROKEN OUR IMMIGRATION LAWS

Just over a century ago, the philosopher George Santayana sagely noted that “[t]hose who cannot remember the past are condemned to repeat it.” Twenty years ago, Congress passed the Immigration Reform and Control Act of 1986. The key-stone of that legislation was a provision making it unlawful to hire illegal aliens, and sanctions against those employers who failed to comply. Based on the erroneous belief that such provision would largely end illegal immigration, Congress decided to grant amnesty to some of those who were here illegally. At that time it was estimated that three or four million illegal aliens were living in the United States, and that about 500,000 of them would be eligible to become citizens under the legislation. Ultimately, nearly three million illegal aliens became citizens, many of them through fraudulent means. Rather than deterring future illegal immigration, this encouraged a further massive influx. There are now four to five times as many illegal aliens living in the United States as there were at that time. This should not be surprising—one of the fundamental doctrines of psychology is that behavior that is rewarded will be repeated.

REFRAIN FROM UNWISELY OR UNNECESSARILY EXPANDING THE GUEST WORKER PROGRAM

As long as employers are allowed to continue to hire illegal aliens without any meaningful consequences, only a handful of them will participate in a legal program. Expecting them to do so would be as ridiculous as expecting people to wait in line to use a sophisticated security gate when everyone else is walking around it because there is no surrounding fence.

While there may very well be a need for an expanded guest worker program to fill jobs in a limited number of industries, Americans would work in most of the jobs that illegal aliens are now performing if they were paid adequate wages. Any guest worker program that fails to ensure that all jobs are announced at fair and realistic wages would simply substitute a legal system of exploitation for the illegal one that exists today. Moreover, it would not be in our economic self-interest to depress the wages of workers in this country, as this would needlessly raise the unemployment rate as well as the tax burden on those who are employed.

PROVIDE ADEQUATE FUNDING FOR PERSONNEL AND EQUIPMENT

The adage that a chain is only as strong as its weakest link undoubtedly applies to the various Federal homeland security efforts. To the extent that any of these programs are neglected, those weaknesses will certainly be exploited. All three of the first lines of defense at the border need to be substantially bolstered. In addition to significantly increasing the number of personnel assigned to the U.S. Border Patrol, the U.S. Coast Guard, and the U.S. Customs and Border Protection inspections occupations, these agencies need to be provided with suitable technology and equipment to assist them in accomplishing their missions. H.R. 4044, the “Rapid Response Border Protection Act of 2005,” would not only provide much-needed technology and equipment, but would also facilitate recruitment and retention efforts. The temptation to cut corners to meet hiring goals by lowering standards, shortening training or using contractors must be resisted, as such measures will ultimately backfire. Additionally, front-line employees must be empowered to enforce laws without being constrained by senseless policies.

Interior enforcement of our immigration laws must also become a priority. The fact that approximately 30 to 40% of all illegal aliens initially come here through legal means underscores the need to be much more vigilant in protecting against fraud and other abuses of our legal immigration system. This will not only require more personnel to adjudicate legitimate claims and investigate fraud, but vastly increased coordination between those two programs.

ENHANCE PLANNING, COORDINATION, AND COOPERATION BETWEEN ALL LEVELS OF GOVERNMENT

Former Speaker of the House Thomas P. “Tip” O’Neill famously noted that “all politics is local.” Similarly, many of the effects of illegal immigration and international terrorism extend far beyond our Nation’s borders into local communities of all sizes. Accordingly, the solutions to these problems must also involve the governments of all of the affected communities. The current level of planning, cooperation, and coordination between Federal, State, and local governments in response to these problems is woefully inadequate, and must be increased dramatically. State and local law enforcement agencies need to be trained and empowered to assist in the enforcement of immigration laws. Once the employment magnet is eliminated, the

majority of encounters with illegal aliens will involve criminal aliens. Those who manage to slip across our borders must be quickly identified and removed before they are able to harm our communities. The need for such cooperation is not limited to law enforcement agencies—it exists in all programs that potentially encourage illegal aliens to remain here, as well as all of those that are impacted by the aforementioned problems.

In summary, solutions to the seemingly intractable problems of border security and international terrorism are definitely within our grasp if we have the will to directly confront them. It is imperative that we act wisely and decisively to address these serious issues. The continued existence of our Nation hangs in the balance.

Mr. ROYCE. Thank you, Mr. Bonner.
Mr. Kobach.

**STATEMENT OF KRIS KOBACH, J.D., PROFESSOR OF LAW,
UNIVERSITY OF MISSOURI—KANSAS CITY SCHOOL OF LAW**

Mr. KOBACH. In 2002, the Department of Justice—Office of Legal Counsel concluded that State and local police have inherent unpreempted authority to make immigration arrests for both civil and criminal violations of immigration law. That holding was reinforced by the 5th and 10th Circuits of Courts of Appeals. That was announced in 2002. And we know that since 9/11 State and local police can be the decisive difference between a successful and unsuccessful terrorist plot. It turns out that 5 of the 19 hijackers committed immigration violations, and all five were civil violations of immigration law. Four of the five were apprehended by State and local police before the attacks.

To see how important it is, just consider one example, Ziad Jarrah, a Lebanese terrorist. He entered the United States on a tourist visa, V-2. He immediately violated his immigration status by going to flight school classes. He committed a second civil violation by overstaying his tourist visa which had a 6-month period of stay. At that point he is arrestable by any police officer.

On September 9th, 2 days before 9/11, he was arrested going 90 in a 65-mile-per-hour zone on Highway 95 in Maryland. He was speeding up to Newark to meet up with his terrorist team. He was given a \$270 speeding ticket and he was released. That speeding ticket was found in the glove compartment of the car at Newark airport after the attacks. If the officer had asked a few questions and determined that Jarrah was illegal, he could have made the arrest. If the officer had called the Law Enforcement Support Center, which operates 24-7, out of Vermont, the officer could have concluded that he was illegal and could have made the arrest.

Since 9/11 we have known that law enforcement—State and local law enforcement—can make a decisive difference; and they have stepped up to the task. The number of calls made to the Law Enforcement Support Center has almost doubled in the 3 years, from 2002 to 2005. It's now over 500,000 calls a year, that averages out to 1,383 calls per day.

The Senate bill which is under consideration right now would strip State and local police of the authority to make arrests for civil violations of immigration law. The stripping violation is found in section 240(d), which states very clearly that they're willing to make arrests for criminal provisions that exists but civil provisions does not exist. This provision can be interpreted by any court as stripping away this authority from State and local police. I can say that from my experience arguing these preemption cases in Federal

and State court. Now, this is critically important. It would also effectively encourage most police departments to stop making any immigration arrests whatsoever. Why? Because most lawyers don't even know the difference between a civil and a criminal violation. Most police departments aren't going to want to get into that thick-et and run the risk of a lawsuit. That provision is extremely disadvantageous and dangerous to our national security.

My time is up and I will simply note that there's another provision I can talk about in questions, which is Section 117, which is a bizarre consultation requirement requiring not only Federal consultation, but also State and local consultation. This does not exist anywhere else in the U.S. Code and is an invitation for a lawsuit.

[The prepared statement of Mr. Kobach follows:]

PREPARED STATEMENT OF KRIS KOBACH, J.D., PROFESSOR OF LAW, UNIVERSITY OF MISSOURI—KANSAS CITY SCHOOL OF LAW

I. INTRODUCTION

Mr. Chairman and Members of the Committee, it is an honor and privilege to appear before you today to discuss border vulnerabilities, international terrorism, and the effect that Senate Bill 2611 would have on both. I come before you today in my capacity as a Professor of Constitutional Law and Immigration Law. I am also a practicing attorney who litigates regularly in the area of immigration and federal preemption. Between 2001 and 2003, I served as Counsel to the U.S. Attorney General at the Department of Justice. In that capacity, I was the Attorney General's chief adviser on immigration law. However, my testimony should not be taken to represent the past or present position of the U.S. Department of Justice. I offer my testimony solely in my private capacity as a Professor of Law.

I will focus my testimony on two subjects—the authority of state and local police to make immigration arrests in the war on terrorism, and the importance of physical barriers on our border in the war on terrorism. However, I will be happy to answer questions on any aspect of Senate Bill 2611 or immigration law generally.

II. THE AUTHORITY OF STATE AND LOCAL POLICE TO MAKE IMMIGRATION ARRESTS IN THE STATUS QUO

It has long been widely recognized that state and local police possess the inherent authority to arrest aliens who have violated *criminal* provisions of the INA. Once the arrest is made, the police officer must contact federal immigration authorities and transfer the alien into their custody within a reasonable period of time.

Where some confusion has existed in recent years is on the question of whether the same authority extends to arresting aliens who have violated civil provisions of the INA that render an alien deportable. This confusion was, to some extent, fostered by an erroneous 1996 opinion of the Office of Legal Counsel (OLC) of the Department of Justice, the relevant part of which has since been withdrawn by OLC. However, the law on this question is now quite clear. As the OLC concluded and the Attorney General announced in 2002, arresting aliens who have violated either criminal provisions of immigration law or civil provisions that render an alien deportable “is within the inherent authority of the states.”¹ And such inherent arrest authority has never been preempted by Congress.

This conclusion has been confirmed by every court to squarely address the issue. Indeed, it is difficult to make a persuasive case to the contrary. The source of this authority flows from the states' status as sovereign entities. It stems from the basic power of one sovereign to assist another sovereign. This is the same inherent authority that is exercised whenever a state law enforcement officer witnesses a federal crime being committed and makes an arrest. That officer is not acting pursuant to delegated federal power. Rather, he is exercising the inherent power of his state to assist another sovereign.

The Ninth and Tenth Circuits have expressed this understanding in the immigration context specifically. In *Gonzales v. City of Peoria*, the Ninth Circuit opined in

¹See ATTORNEY GENERAL'S REMARKS ON THE NATIONAL SECURITY ENTRY-EXIT REGISTRATION SYSTEM, Washington, D.C., June 6, 2002. The 2002 OLC opinion is now publicly available. It may be found at <http://www.cis.org/articles/2006/OLCOpinion2002.pdf> and at http://www.fairus.org/site/PageServer?pagename=iic_immigrationissuecenters0342.

an immigration case that the “general rule is that local police are not precluded from enforcing federal statutes,”⁵ 722 F.2d 468, 474 (9th Cir. 1983). As the Tenth Circuit has described it, there is a “preexisting general authority of state or local police officers to investigate and make arrests for violations of federal law, including immigration laws,” *United States v. Vasquez-Alvarez*, 176 F.3d 1294, 1295 (10th Cir. 1999). And again in 2001, the Tenth Circuit reiterated that “state and local police officers [have] implicit authority within their respective jurisdictions ‘to investigate and make arrests for violations of federal law, including immigration laws.’” *United States v. Santana-Garcia*, 264 F.3d 1188, 1194 (citing *United States v. Vasquez-Alvarez*, 176 F.3d 1294, 1295). None of these Tenth Circuit holdings drew any distinction between criminal violations of the INA and civil provisions that render an alien deportable. Rather, the inherent arrest authority extends generally to both categories of federal immigration law violations.

Having established that this inherent state arrest authority exists, the second question is whether such authority has been preempted by Congress. Because Congress possesses plenary power over immigration, Congress may displace or preempt this arrest authority if it so chooses. In 2002, the OLC concluded that such preemption has not occurred, either with respect to criminal violations of immigration law or civil violations.

The Tenth Circuit has issued several opinions on the subject, all pointing to the conclusion that Congress has never sought to preempt the states’ inherent authority to make immigration arrests for both criminal and civil violations of the INA. The most salient case on the preemption question is *U.S. v. Vasquez-Alvarez*: the “legislative history does not contain the slightest indication that Congress intended to displace any preexisting enforcement powers already in the hands of state and local officers.” 176 F.3d 1294, 1299 (10th Cir. 1999). Two years later, the Tenth Circuit reiterated in *United States v. Santana-Garcia*, that federal law “evinces a clear invitation from Congress for state and local agencies to participate in the process of enforcing federal immigration laws.” 264 F.3d 1188, 1193 (10th Cir. 2001) (quoting *Vasquez-Alvarez*, 176 F.3d at 1300). The Fifth Circuit has reached substantially the same conclusion in *Lynch v. Cannatella*, 810 F.2d 1363, 1367 (5th Cir. 1987).

I have recently published an extensive law review article on this subject.² Copies are available for any Members of the Committee who are interested in exploring the subject further.

III. THE IMPORTANCE OF LOCAL ARREST AUTHORITY IN THE WAR ON TERRORISM

One of most important lessons that our country learned on 9/11 was that state and local police can make the difference between an unsuccessful terrorist plot and an attack that kills 3,000.

In the aftermath of the attack, we learned that five of the nineteen hijackers had violated federal immigration laws while they were in the United States. *All five terrorists committed civil, not criminal, immigration violations.* Amazingly, four of the five were actually stopped by local police for speeding. All four terrorists could have been arrested, if the police officers had asked the right questions and realized that they were illegal aliens. To see just how critical a role state and local police can play, consider two of the 9/11 hijackers.

Lebanese terrorist Ziad Jarrah was the man at the flight controls of United Airlines Flight 93, which crashed in rural Pennsylvania. Jarrah first entered the United States in June 2000 through the Atlanta airport, on a tourist visa. He immediately violated federal immigration law by taking classes at the Florida Flight Training Center in Venice, Florida. He never applied to change his immigration status from tourist to student. He was therefore detainable and removable from the United States almost from the moment he entered the country. Jarrah committed his second immigration violation six months later—when he overstayed the period he was authorized to remain in the United States on his tourist visa.

Jarrah successfully avoided contact with state and local police for more than fourteen months. However, at 12:09 A.M. on September 9, 2001, two days before the attack, he was clocked at 90 miles-per-hour in a 65 miles-per-hour zone on Highway 95 in Maryland, 12 miles south of the Delaware state line. He was traveling from Baltimore to Newark, in order to rendezvous with the other members of his team.

The Maryland trooper did not know about Jarrah’s immigration violations. Had the officer asked a few questions, such as what Jarrah’s immigration status was, or simply made a phone call to the federal government’s Law Enforcement Support Center (LESC)—which operates around the clock from Williston, Vermont—he could

² Kris W. Kobach, *The Quintessential Force Multiplier: The Inherent Authority of Local Police to Make Immigration Arrests*, 69 ALBANY L. REV. 179 (2005).

have arrested Jarrah. Instead, the trooper issued a Jarrah a \$270 speeding ticket and let him go. The ticket would be found in the glove compartment of the car at Newark Airport two days later, left behind when Jarrah boarded Flight 93.

Or consider the case of Saudi Arabian terrorist Nawaf al Hazmi. Hazmi was the second-in-command of the 9/11 attackers, and a back-up pilot. He entered the United States through the Los Angeles International Airport on a tourist visa in January 2000. He rented an apartment with fellow hijacker Khalid Almihdhar in San Diego and lived there for more than a year. As with Jarrah, his period of authorized stay expired after six months. After July 14, 2000, Hazmi would be in the United States illegally. In early 2001, he moved to Phoenix, Arizona, to join another 9/11 hijacker, Hani Hanjour.

On April 1, 2001, Hazmi was stopped for speeding in Oklahoma while traveling cross country with Hanjour. Had the officer asked Hazmi a few basic questions or asked to see Hazmi's visa, he might have discovered that Hazmi was in violation of U.S. immigration law at the time. Once again, the officer could have detained him. The officer also had the authority to detain Hanjour, who had entered the country on a student visa, but never showed up for classes.

All of the 9/11 hijackers' encounters with local law enforcement were missed opportunities of tragic dimension. If even one of the police officers had made an arrest, the terrorist plot might have unraveled.

It is important to remember that the civil violations of the five 9/11 hijackers were similar to the actions of earlier terrorists. For example, in 1989, Kuwaiti terrorist Eyad Ismoil entered the United States on a student visa and enrolled at Wichita State University in Kansas. After three semesters he dropped out and worked with other members of his terrorist cell to prepare for the 1993 attack the World Trade Center. At that point he committed a civil immigration violation and was thereafter out of status. He ultimately drove the van that carried the bomb. That explosion killed six people and wounded more than 1,000 others.

Police departments across the country responded to the lessons of 9/11 and to the OLC opinion by exercising their inherent arrest authority with renewed determination. The number of calls to the LESC by local police officers who had arrested illegal aliens nearly doubled in the ensuing years, from 309,489 in FY 2002, to over 504,678 in FY 2005. Put differently, in FY 2005 local police were calling LESC to check an alien's status an average of 1,383 times a day. Local police have become a crucial force multiplier in the enforcement of federal immigration laws.

But Senate Bill 2611, if passed, would stop local police from protecting the American public in this way.

IV. THE DANGEROUS EFFECT OF SECTION 240D AND SECTION 154

Buried deeply in the Senate Bill is a provision would disarm America's state and local police in the war against terrorism. Section 240D contains a statement that would have the effect of barring state and local police officers from making arrests for civil violations of immigration law—precisely the sort of violations that terrorist have demonstrated a propensity to commit.

Section 240D states: "Notwithstanding any other provision of law, law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody . . . an alien for the purpose of assisting in the enforcement of the *criminal* provisions of the immigration laws of the United States. . . . This State authority has never been displaced or preempted by Federal law." (Emphasis added.)

This provision sends an unmistakable message to the courts. Making arrests for criminal provisions of immigration law "has never been displaced . . . by Federal law," *but making arrests for civil provisions has been displaced*. No other conclusion can be drawn from the Senate's limitation of this authority to criminal violations only. A fundamental principle of statutory interpretation, one routinely applied in courts across the country, is "*Inclusio unius est exclusio alterius*." (The inclusion of one is the exclusion of another.) Where a statute expressly describes a particular situation in which it applies, an irrefutable inference must be drawn that what is omitted or excluded was intentionally omitted or excluded. I say this with the experience of having litigated numerous preemption cases in both state and federal court. This provision would be interpreted by any court as stripping arrest authority from the police in cases of civil violations.

Section 240D would restrict local police to arresting aliens for criminal violations of immigration law only, not civil violations. The results would be disastrous, and would significantly undermine the United States in the war on terrorism.

As noted already, all of the five 9/11 hijackers who committed immigration violations committed *civil* violations. Under the Senate Bill, police officers would have no power to arrest such terrorists.

Moreover, as a practical matter, Senate Bill 2611 would discourage police departments from playing *any* role in immigration enforcement. Most police officers (indeed, most *lawyers*) do not know which violations are criminal and which violations are civil. There is no particular logic to the distinctions. Overstaying a visa (something hijackers from the Middle East are more likely to do) is a civil violation, but marriage fraud is a criminal violation. Which one is more dangerous to national security?

Afraid of arresting the wrong type of illegal alien—and getting sued as a result—many police departments will stop helping the federal government altogether. That development would have a crippling effect in our efforts to locate alien terrorists on American soil.

Section 240D could have been worded, and could be fixed by stating, “criminal *and civil* provisions of the immigration laws.” However, without this modification, it should not be enacted—unless Congress intends to strip local police of this arrest authority.

Equally problematic is Section 154 of Senate Bill 2611. This provision follows a section authorizing grants of federal funds to law enforcement agencies within 100 miles of the United States border. The grants are limited to dealing with “criminal activity” stemming from illegal immigration. Section 154 imposes the following caveat: “Nothing in this section shall be construed to authorize State or local law enforcement agencies of their officers to exercise Federal immigration law enforcement authority.”

This provision not only contradicts the recognition of inherent arrest authority for criminal violations in Section 240D, it also misunderstands the nature of the states’ inherent authority. States need not be authorized to make immigration arrests. States may be authorized to exercise *broader* enforcement powers (beyond arrest, detention, and transportation to federal authorities, as is permitted under 8 U.S.C. § 1357g). But it is difficult to see how the preceding sections could be construed as including the full panoply of enforcement powers possessed by federal officers.

At best, Section 154 is nonsensical, ambiguous, and unnecessary. At worst, it could prompt a wayward court to conclude that all local arrest authority has been preempted. Regardless, its ambiguous terms should not be enacted into law.

V. HOLES IN THE WALL—SECTIONS 106, 114, AND 117

In the years since the 9/11 attacks, the Department of Justice and later the Department of Homeland Security dramatically increased the scrutiny of aliens entering the United States legally through our ports of entry. I was personally involved in these efforts during my service in the Department of Justice. However, we knew then, and we know now, that our terrorist enemies would react to this increased security at ports of entry by relying more heavily on the practice of entering without inspection by sneaking across the border.

It is undeniable that terrorists have entered the United States by crossing our land borders illegally. The empirical evidence of terrorist entry is significant. Several cases are now publicly known. For example, on January 15, 2004, Mahmoud Kourani was indicted in Dearborn, Michigan, for conspiring to provide material support to a terrorist organization (Hezbollah). He had entered the United States by bribing a Mexican official to provide him a visa to enter Mexico, and then paying a coyote to smuggle him across the border into the United States. Kourani came to the attention of the INS while living with other illegal aliens in Dearborn and was initially imprisoned on immigration charges. It was later learned that he had trained with Hezbollah in Iran and Lebanon and was raising money for Hezbollah in the United States.

Another example that has been made public is that of Al Qaeda terrorist Farida Ahmed. On July 19, 2004, Ahmed was arrested in McAllen, Texas after crossing into the United States three days earlier. She had waded across the Rio Grande, and was bound for New York City. Terrorists know all about our porous southern border, and these cases demonstrate how effectively they have exploited it. And since 9/11 we have increased our security at ports of entry, which makes illegal border crossing an even more attractive means of entry. Moreover, we know that Hezbollah and Hamas maintain an active presence in the tri-border region of Brazil, Argentina, and Paraguay.

In addition to these specific cases, there are statistics suggesting that the number of terrorists crossing our southern border may be much higher than we think. *In Fiscal Year 2005, the Border Patrol Apprehended 3,722 aliens from nations that are*

either designated state sponsors of terrorism or places in which Al Qaeda has operated.³ We also know that for every one alien the Border Patrol apprehends, there may be three aliens who are not caught. If this is the case, then more than 10,000 aliens from high-risk, terrorist-associated countries illegally entered the United States in FY 2005. Obviously the majority of these aliens are not terrorists. But if only one in a thousand were, that would still be ten terrorists who successfully crossed our borders.

The construction of additional fencing on the borders is an absolutely essential response to this terrorist threat. Physical walls have been shown to dramatically reduce the flow of illegal aliens into the United States, in those sectors where substantial walls exist.

Unfortunately, Senate Bill 2611 makes it unlikely that any significant construction of border fencing will occur in the near future. There are three sections that ensure this outcome: Sections 106, 114, and 117.

Section 106 is problematic because it calls for such a restricted amount of additional fencing. Subsection 106(c) calls for only 370 miles of fencing. However, it states that the 370 miles may include the fencing already constructed in the San Diego, Tucson, and Yuma sectors. As a result, if in any construction actually occurred, it would likely be far less than 370 miles of additional fencing. This stands in stark contrast to the approximately 700 miles of additional fencing required by House Bill 4437.

Section 114 further reduces the amount of fencing that would be constructed by diverting available resources to Mexico's southern border. Subsection 114(b)(2) requires the U.S. government "to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol" the border between Mexico and Guatemala and Belize. In an environment of scarce fiscal resources, these expenditures would likely cut into the funds available to build infrastructure on the United States border.

However, the greatest impediment to the construction of fencing is found in Section 117, primarily in subsection (d). This section creates a massive and unusual consultation requirement that must be satisfied "before the commencement of any construction." It stipulates that U.S. officials at the federal, state, and local level must consult with their counterparts in Mexico. I know of no other provision in U.S. law where the federal government attempts to compel state and local governments to engage in consultation as a prerequisite to action at the federal level. This aspect of Section 117(d) is an open invitation to delay construction indefinitely by bringing a Tenth Amendment lawsuit challenging the compelled consultation requirement under the "commandeering" theory laid out by the Supreme Court in *New York v. United States*, 505 U.S. 144 (1992) and *Printz v. United States*, 521 U.S. 898 (1997).

Section 117(d) also enumerates the goals to be achieved by the consultation, including "solicit[ing] the views of affected communities." This provision would likely operate similarly to a comment period requirement in regulatory law. These requirements have the effect of significantly slowing the promulgation of regulations (which is intended). The same effect would result here—the creation of significant delays in the construction of any fencing.

This consultation requirement would create a massive impediment to the beginning of any construction. Because the State Department is the primary agency responsible for ensuring that this requirement is met, it is highly likely that the consultation will proceed extremely slowly. Based on my experience fulfilling inter-agency consultation requirements on behalf of the Department of Justice, I anticipate that the State Department would proceed extremely slowly and would defer to any assertion by the Mexican government that consultation was inadequate.

A defender of Senate Bill 2611 might answer this complaint by pointing to the two-year time deadline for completion of construction, found in Section 106(d). This answer is unpersuasive. In my experience working in the executive branch, I know of many deadlines that the government failed to meet (e.g., the comprehensive entry-exit system, which is still not completed). However, I know of no instances in which interagency consultation did not occur. This is due to the intrinsic nature of the executive branch, with competing agencies battling for control of policy. When parties to the consultation have differing perspectives on an issue, one party will always insist that additional consultation must occur. When a foreign power is added to a consultation requirement, this delaying effect is likely to be multiplied many times over.

³ Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Egypt, Eritrea, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, North Korea, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen. Department of Homeland Security statistics.

In summary, because of these provisions in Senate Bill 2611, it is unlikely that construction on any fencing would begin quickly. If and when any construction occurred, the amount of fencing would be grossly inadequate to meet the very real threat of terrorists covertly crossing our southern border.

Mr. ROYCE. Thank you, Mr. Kobach.
Mr. Ramirez.

**STATEMENT OF MR. ANDY RAMIREZ, CHAIRMAN, FRIENDS OF
THE BORDER PATROL**

Mr. RAMIREZ. Good morning—or afternoon, Mr. Chairman, Members of the Committee, including Ranking Member Sherman.

I am Andy Ramirez, chairman of the Friends of Border Patrol. And I thank you for calling this Committee hearing today. We've been investigating border security for approximately 2 years and farming many documents to Members of Congress over the results of our investigations.

Now, we've heard today such things such as military incursions by the Mexican Government and lack of OBP, the Office of Border Patrol and Headquarters. Well, if there are no military incursions, then why has the Tucson Sector of the U.S. Border Patrol distributed among their agents since 1997 a military incursion card that states, and I read, "Remember, Mexican military are trained to escape, evade and counter-ambush if it will effect their escape." This sends to us a mixed message considering that Mr. Aguilar has on record stated that there have not been Mexican military incursions, only personnel that may have been wearing T-shirts or uniforms.

There have been much discussions today about projects and the virtual walls, RVS (Remote Video Surveillance), FLIR, clear cameras and other money pit items that are costing exorbitant sums of money that, even the DHS's Office of Inspector General has stated, to be nothing more than a money pit. We know that many Members of this Committee have written letters to GAO requesting an investigation of Border Patrol tipping civilian border observations to the Mexican Government.

Well, I have met with the San Diego Sector chief who has admitted to me as a fact that it was done.

There are many items within my testimony. I'm going to rush through this real quickly. One item that must be brought to your attention is Project Athena. This project has been developed by Raytheon and is known as Operation Lake View and Operation Gulf View. This has demonstrated to have a 95 to 100 capability to secure the waterways along the northern border, specifically the Great Lakes Sectors. The Border Patrol sector chiefs in those very areas have written to Mr. Aguilar requesting immediate implementation but they have not been given their implementation. It is not going to happen.

Most of our comments are within my testimony, and I would look forward to answering questions.

And again, thank you for calling us today.

[The prepared statement of Mr. Ramirez follows:]

**PREPARED STATEMENT OF MR. ANDY RAMIREZ, CHAIRMAN, FRIENDS OF THE BORDER
PATROL**

Good morning Mr. Chairman, Ranking Member Sherman, members of the committee, distinguished fellow panelists, and guests.

I am Andy Ramirez, Chairman of Friends of the Border Patrol, and we would like to thank Chairman Royce and the committee for inviting me to testify today on behalf of our organization. I would also like to thank you for calling these important hearings, as terrorism is the foremost topic on many Americans minds.

Our organization has been investigating border security for two years. We have strived to investigate from the perspective of the following: Border Patrol manager and line agent, local law enforcement, and border resident. Over this time we have compiled information from a number of U.S. Border Patrol Sectors protecting both borders and the soft underbelly of national security known as the Ramey Border Patrol Sector on the Island of Puerto Rico. The irony is that while our elected officials may not be aware of the details I am presenting today, I guarantee that the Mexican Government, illegal aliens and criminal aliens alike, as well as terrorists all know our weaknesses. If we are to begin correcting this problem, as is the purpose of convening this hearing on "Border Vulnerabilities and International Terrorism," which is why I am here today then we need to discuss many issues and problems.

I am going to touch on a few points during my presentation and would be happy to respond to any questions you may have. For those I am unable to answer, I would be happy to submit responses to the committee and questioning member within the next week.

One key aspect of terrorism I do not hear anyone speak about publicly whether it be our elected officials or government agencies is what terrorists do when crossing our borders, and the response from agents within the U.S. Border Patrol.

Let's say terrorists are using the wide-open southern border to cross. They can do it one of two ways:

1. They can blend in. This won't be very difficult as the BP itself admits that it only catches 2 out of 5, though more than one publication quoted Tucson Sector Chief Patrol Agent Michael Nicley at 1 out of 8. Most entrants are poor people crossing the border in a relatively unsophisticated manner and we are not even stopping the majority of them. One fact I was informed by a source, just prior to providing this statement to the committee by the Friday deadline, is that "it was a no-no to give numbers to anyone outside of the Border Patrol." I am certain this policy would include Members of Congress among those considered to be outsiders.
2. Terrorists could attempt to cross alone and bring their weapons with them. If only we had some idea of what the U.S. does when an organized, armed force crosses our borders with their guns and equipment often escorting narco-traffickers. Oh wait we do have this sort of thing happening. The fully equipped Mexican Military has crossed hundreds of times with impunity and we haven't done anything, other than parrot statements from their government that shirts are sold by street vendors, or that American citizens were impersonating Mexican Military personnel. If a terrorist does decide to bring his missiles or a nuclear warhead with him in say, a Humvee, I hope our response is a little better than what we do now against armed incursions. Maybe we need a SALUTE card for terrorist incursions now, since in the Tucson Border Patrol Sector we are already providing them to Border Patrol agents for incursions by Mexican Military personnel.

Mr. Chairman if I may, I would like to present an original to the committee of the very card presented to Border Patrol agents to my understanding by Tucson BP Sector since 1997 (see Item-1).

David V. Aguilar, Chief of the Border Patrol claims we have not had Mexican Military incursions, other than by accident or impersonators (testimony before Chairman McCall's Homeland Security Subcomm), and that the Southwestern border is secure. But that is a blatant falsehood and this is well known within the Border Patrol. Otherwise, how does one explain the incursion cards when they continue to be provided to agents in Tucson Sector, the very sector that Mr. Aguilar was the Chief Patrol Agent of, prior to ascending to his current appointment as national chief? We must keep in mind, that if we cannot admit to the Mexican Military incursions, though we provide agents instructions in the event of an incursion, and we cannot prevent millions of illegal aliens consisting of Mexicans, and OTMs (or Other Than Mexican), I guarantee we cannot prevent Special Interest Aliens, which potentially include terrorists who have obtained IDs and are portraying themselves as Mexican or other aliens from Latin American nations.

I would be remiss if I did not bring to your attention the following information, which numerous sources have provided during the course of our investigation.

"We cannot get a straight answer when it comes to how many Special Interest Aliens have been apprehended by CBP or ICE, other than a standard response of "Pending Investigation." Yet, the Border Patrol knows how many teddy bears it

gives away, how many cheese crackers it has in reserve (I would bet down to the individual cracker), diapers, etc., so the fact that it keeps absolutely no statistics on the people caught from terrorist countries as a mere accident defies all credibility. Obviously, the BP does not keep these statistics as a matter of policy and the reason is pretty transparent. Let me also add that the media has attempted to gain those very figures as well as the dispositions of apprehensions of SIAs that they learn about through sources. However, those results are seldom, if ever released, so the public has no way to learn if there is any information beyond what has been reported by sources."

Here are some facts about a few Border Patrol Sectors from well-placed sources who asked me to present this information to the committee today on their behalf. The reason that those sources are unable to do so themselves would be to place their careers at risk for retribution by Border Patrol and DHS managers at Headquarters in Washington, DC.

The Congress and the American public have been completely misled by Border Patrol's managers at Headquarters in DC. The northern border is nowhere near secure though Chief of the Border Patrol David Aguilar would inform you otherwise. Chief Aguilar was quoted in several newspapers, both Canadian and U.S. that "measures have been taken to bolster agent strength in the affected areas to include overtime payments." According to my sources, the statement by Mr. Aguilar was inaccurate and never happened. There was no high alert, no overtime and no additional bodies. It is nothing but business as usual.

As a matter of fact, several networks, both cable and broadcast, stated that there are 1,000 agents on the Northern Border. Wrong again. No detailers, nada. One Sector on the northern border has not received agent attrition replacements in about 2 years now. This same sector is currently authorized at 147 agents and, because of details (mandated), sick leave, maternity leave, rubber guns, etc. etc. this sector is at an actual strength of 102. Though, as I understand it, this sector has been traditionally ignored for agent and support personnel staffing. If you want to put this in percentage terms, this sector's personnel, agent-wise is down 31%.

Let me add that at one particular station in this sector bordered by water, they are lucky to have two agents on during a 24-hour period. It takes two agents to run a boat. They have a total of 5 agents, with 8 vacancies, obviously not enough to monitor boat traffic. Keep in mind that a major Canadian city recently named as a possible terrorist target is on the other side of that very station's area of responsibility.

Furthermore, Mr. Aguilar was personally and repeatedly warned about potential threats, and ignored such information. Of course that would not be the first time he has ignored intel, requests, or challenges to his inaccurate public statements. This type of action is not unprecedented when one recalls that earlier this year, DHS Secretary Michael Chertoff stated that reports on Mexican Military incursions were being overblown when they continue to this day, one occurring as recently as Saturday, July 1, 2006 at 13:10 hours, according to a civilian source in Tucson Sector. This incursion included a drug load.

In 2004, I personally challenged a statement Chief Aguilar made to The Daily Sentinel on August 31, 2004, regarding border security, in which he declared the southwest border to be secure. His statement was countered by numerous sources including Michael Shelby, U.S. Attorney from the Southern District of Texas.

Additionally, in a Washington Times article published October 13, 2004, entitled "*Chechen terrorists probed*." The article stated, "U.S. security officials are investigating a recent intelligence report that a group of 25 Chechen terrorists illegally entered the United States from Mexico in July. . . . Members of the group, said to be wearing backpacks, secretly traveled to northern Mexico and crossed into a mountainous part of Arizona that is difficult for U.S. border security agents to monitor, said officials speaking on the condition of anonymity."

I have provided the letter I submitted to Chief Aguilar (please review Item-2). Agent Stephanie Monk informed me by telephone in November 2004, that Mr. Aguilar had received my letter and would be replying within the next two weeks. Twenty months later, I still await his response to my inquiry.

Mr. Chairman I would also like to address an item known in the Border Patrol as Project Athena. In this project the Border Patrol would be able to monitor shipping traffic as it approaches the U.S. coastline. The cost was minimal compared to other systems currently being utilized such as "remote video surveillance" (RVS) cameras and other items providing a "virtual wall" that has been proven to be a bottomless, and ineffective money-pit. To see what a sham the fancy name labeled "virtual fence" really is, please refer to Item-3, which addresses RVS and tunnel detection, or more accurately, the inadequacy of both.

Local Border Patrol Sector Chiefs have written to headquarters requesting that “Project Athena” or subsequent generations of similar capabilities be funded and provided to meet the goal of securing our coastlines, lakes and waterways. Yet, this program, which can monitor maritime traffic, while still on life-support, is certain to not be implemented.

The Border Patrol Sector Chiefs have also been informed that they would receive additional agents to fill their numerous vacancies and technology holes. I understand that the agents and technology often mentioned is to be used to implement a “virtual wall” and would be provided by Secure Border Initiative funding. It is our opinion that this is yet another empty promise, or if you will, “fool’s gold” to those sector chiefs.

They know as we do how the 30:1 ratio it takes to come up with one recruit for the Border Patrol, screening process, academy capacity, which is grossly inadequate, and difficulties of graduating due to the Spanish language requirement, and the ten-month exam that takes place after the academy. They also know the actual attrition rate. The reports of the high numbers of agents throughout the service seeking employment opportunities elsewhere are not just rumors but are fact.

Mr. Chairman, if we are to discuss vulnerability along our borders, we must not forget the clearly forgotten Ramey Border Patrol Sector, located at Aquadilla, Puerto Rico. As badly undermanned as the northern border is, our greatest strategic weakness is Ramey.

The Inland Valley Daily Bulletin of Ontario, CA has published a number of reports indicating the vulnerability of this strategic island, which has regular sea incursions using Yola boats. Their manpower level is so grossly under-strength that it defies all logic. They have 21 agents, with three more soon to leave the island for other duties or agencies, and regularly see their agents detailed to southwestern border sectors or the academy, without being replaced. Yet, the irony is that they have nearly as many managers as agents. Their manpower is so under strength that they are limited to one corner of the island, and has to completely eliminate one shift for lack of available personnel. One thing agents have reported is that OTMs, or Other Than Mexican illegal aliens actually self-report with their flight tickets already in their possession for CONUS (Continental U.S.) destinations as the word is out in the region that after receiving their documents requesting a return for court appearance they will be free to leave the island for other destinations. For the record, the USBP agents do not have access to San Juan, where illegal aliens, which could include Special Interest Aliens, acquire phony identification documents. That is ICE-turf.

On the northern border, numerous sources have reported that ICE regularly requests Border Patrol assistance, as they do not have the manpower or resources to apprehend or detain on their own. It is to the degree that the Border Patrol is often requested to provide transport for illegal aliens detained, and that the Border Patrol can provide agents depending on availability due to operations and on a priority level.

Mr. Chairman, it is well documented as to the level of compliance by Border Patrol managers in Washington, DC with the policies and requests by the Mexican Government. Consider the parrot-like statements of our own government when it comes to Mexico. For anything and everything, Mexico provides a declaratory conclusion to a matter before even convening more than a surface investigation followed by concurrence by our own government. After that, come the so-called investigation and more discrediting info.

Consider that Tucson Sector agents represented by Local 2544 of the National Border Patrol Council has gone on record by posting on their website as to the level of access and control by the Mexican Government, which has placed agents along the southwestern border often in dangerous, compromised situations. Also, consider that Border Patrol Headquarters continues to deny that Mexican Military incursions regularly occur, and that Sector Chiefs provided information about civilian border observation locations to the Mexican Government though clearly lacking Congressional authority, and clearly exceeding the Vienna Convention Treaty. While the Border Patrol denied the Inland Valley Daily Bulletin’s published report, and attempted to discredit reporter Sara Carter after Agent Mario Martinez, their PIO who responded to her inquiry, after he initially admitted that such info was shared.

I met with a Border Patrol Sector Chief who took responsibility, and apologized for the disclosure of a property our organization used as a base-camp for border observations last summer as he understood my outrage, that our “secret” location I had personally provided to law enforcement, was provided to the Mexican Government. Our meetings have been the only ones between civilians and the Border Patrol managers to my knowledge. However, the Mexican Government and DHS have both expended great energy in attempting to discredit the news coverage in their

denials and by stating that such locations were self-provided on websites, which was not the case of our location.

It is interesting to note, considering we are discussing border vulnerability today that Chief Griffen, a person that I consider to be a personal friend, was the sole chief patrol agent mentioned on their website though I understand several sectors provided similar information about activities and locations of lawful civilian border observations to Mexico. The Mexican Government endangered U.S. citizens by publishing such information on their website where drug cartels, their enforcers, military personnel, and violent gangs could have gathered such intel and plotted to harm, or even murder concerned citizens, including me.

The Mexican Government also attempted to undermine the chief personally by solely publishing his name and no others, as he has been quite proactive in the fight to secure our portion of the border and quite creative. I am certain that by damaging his name and reputation, they felt Congress would have seen him removed or reassigned. To me, this action demonstrates the level of cooperation by the Border Patrol managers at HQ, which undermines their very mission to secure America's borders; especially considering that the Mexican Government is long identified by its corruption.

When did the Congress relinquish authorization or control of the Border Patrol to Mexico City? Is this why Grupo Beta, previously an effective Mexican agency, was reduced to less than security guards, as they have been replaced by our own taxpayer financed Border Patrol? These are questions that must be answered before we even think to consider reconciling bills. Consider that I've scarcely even mentioned the failure known as ICE, a completely ineffective agency that should be absorbed into the Border Patrol, or Customs whose managers believe the best way to secure the border is by securing the ports of entry, which has been the mentality of CBP while leaving the borders wide open to incursion by violent terrorists, smugglers, and Mexican Military personnel.

Mr. Chairman, it is outrageous that there is such coordination and cooperation, lest any of us forget about the maps and comic books they provide to illegal aliens, which include terrorists. Perhaps the Members are unaware but the State Department provided the funding for our Border Patrol to train personnel of Grupo Beta and other Mexican Government entities along their southern border such as sign-tracking and other tactics used by the patrol. With Mexico's record, how can this government continue to see them as a partner, when they have done absolutely nothing to prevent terrorism?

Mr. Chairman, I would be completely remiss if I did not mention to the committee today that such behavior by the Mexican Government would not be unprecedented as border residents for years have been terrorized for years by violent gangs, bandits, drug cartels, smugglers, local Mexican law enforcement officials and even personnel of the Mexican Military who assist with smuggling operations.

Allow me to share a couple of stories with you today about local border residents, who are our fellow U.S., citizens. Victoria Hope lived in San Diego's East County region. She did what many of us do for our neighbors. She was looking after her neighbor's property while her neighbors were away. When you live in the border region, it is imperative that you work with your neighbors as livestock gets out, or bandits and smugglers often trespass your property, which endangers one's family and neighbors. Mrs. Hope was viciously murdered by illegal aliens who, as if this heinous crime was not nearly enough, these same individuals stole her car.

Mr. Bob Maupin is a longtime community leader in San Diego's East County. Mr. Maupin is a second generation border resident having lived a stone's throw from the border. He was surrounded and disarmed 100 yards north of the border on his property by the Mexican Military and through negotiation convinced them to go to his home to contact law enforcement in Boulevard, CA (noted for it's high narcotic traffic). The reason this happened is the day before he reported a meth lab to the DEA and that was the response the following day of the Mexican Military and cartels. Mr. Maupin has assisted me today with providing photos that have been taken of humans and narcotics being smuggled across the border. You'll find this as Item-6 following my testimony.

Ed and Donna Tisdale also live close to the border in East County, and one year alone counted over 12,000 individuals by observing footprints that crossed their property. They have experienced a number of incidents involving individuals who smuggle humans and narcotics across their property and while not easily intimidated have been threatened and given reason to fear for their lives. They have found markings of violent gangs on their property. In fact, one year ago, a man was arrested in connection with the attempted murder of a Border Patrol agent near Red Shank Ranch last year during an interrupted drug deal that was connected to the cartels. The agent's vehicle was riddled with holes from an automatic weapon

(23 to be exact). The Tisdale's saw the patrol vehicle and have informed me that it was a chilling site. The suspect fled through their ranch road at a high rate of speed and back onto the reservation, adjacent to their property, which I understand has a high amount of trafficking.

Mr. Chairman, my friends who live along the border and face this form of terrorism 24/7 have long concluded that due to the presence of the organized crime cartels and gangs who orchestrate the majority of the smuggling of drugs, people and contraband here in San Diego, that they do not believe that such individuals would hesitate to smuggle items that would be used to cause harm to America and her citizens—especially if the price was right. A concern that many law enforcement agencies concur with, as do we.

However, this is not an isolated story. Over the past 14 months, I have met with and earned the trust, support, and friendship of many San Diego border area residents, which is not given, but earned. They have dealt with wrong-way drivers of load vehicles, which involve narcotic, or human smuggling loads, sometimes both. The load drivers when spotted, or they think they've been spotted by law enforcement officers including Border Patrol agents cross to the wrong side of the road. This practice utilized to evade and escape Border Patrol agents, CHP officers, and Deputy Sheriffs happens often along the border. This is yet another type of terrorism our fellow citizens face. Imagine the day that the load vehicle hits a busload of school children on the way to or from school. Deaths have occurred as a result of wrong-way drivers and it is completely avoidable if we secure our borders and protect our citizens.

That's a critical point we hope everyone here today considers. Terrorism is not limited to people that are members of violent terrorist organizations with bombs, sniper rifles, or detonators. Terrorism includes those very types of groups and individuals I mentioned above that have not been dealt with for far too long. We have no business calling groups gangs when they bring chaos, mayhem, violence, mayhem, and murder to our cities, neighborhoods, parks, and schools. It is pure and simple, they are terrorists, too, and must also be broken up and brought to justice for those are the most obvious people to recruit here within our own nation and entering our Swiss-cheese borders. Or does calling people that are terrorizing and murdering our fellow citizens terrorists not happen because of the propaganda that the War on Terror is in Iraq and Afghanistan and does not include our own borders?

That is something that this committee and the House of Representatives must recognize as fact, publicly acknowledge. The supporters of open borders in the House and Senate as well as the Bush Administration know this, which is why we are inundated with fancy slogans or politically correct terminology, the dog and pony press events, and the smoke and mirrors about willing workers doing jobs Americans won't, which continues to exclude Americans being displaced from the labor force. By campaigning in such a way, this is why our borders remain vulnerable and why we get such absurd proposals from Washington. It is why many people in Southern California today, and within the Border Patrol felt it imperative that I appear as a witness, to discuss these items publicly that are being hidden from the Congress and public. As a civilian, I have nothing to lose, except my country as I am the only non-government employed witness past or present testifying.

Far too many people today are in this nation, and we do not know who they are, or their backgrounds, and Mexico will never cooperate with U.S. law enforcement requests, though they'll make every demand on us to adhere to their demands though they continue to plan protests, monitor civilians and public figures alike, and undermine our sovereignty. Furthermore, too many people are now at large within this nation and trying to establish lives in our nation, plus having anchor babies, which has made it difficult to enforce our immigration laws. Until the United States Supreme Court and the Congress address this identified issue the problem will continue.

Many children of illegal aliens, including those considered to be Special Interest Aliens have mixed loyalty. Some are being bred and brainwashed to hate America. Groups like MECHA among others do not believe in U.S. sovereignty, and openly protest against anyone who disagrees with them. I have personally witnessed their usage of violence and intimidation as primary tactics. Such individuals are targets for recruitment by terrorist organizations. As long as our government ignores them, such individuals and groups will continue to recruit and flourish, while continuing to plan or operate.

This happens because our government does not tell the Mexican Government to back off, and mind their own store. Instead, our government parrots their lies, endangers law enforcement officers and civilians alike, and allows such behavior to continue, which I consider to be open espionage against the United States.

My active duty sources in the Border Patrol have risked their careers and futures in order to provide me the truth, which I, in turn, have forwarded to Congressional leaders, and shared with other law enforcement agencies or Members of Congress. Each of them deserves an opportunity to tell their facts, and expose the truth, which is how this administration through DHS has ordered agents to stand down, and even lie in order to prevent Congress from learning the truth. But their voices, outside of my fellow panelist Mr. Bonner and few others are being squelched as this administration and Chief Aguilar rules his fiefdom with an iron fist. All statements and tours Members take are pre-scripted and approved by his office. He is the ultimate micro-manager. Any Sector Chief you speak with, including my friend Chief Griffen knows as I do that he has to answer to Mr. Aguilar, as he is the top agent in the chain of command. I am certain you would hear the reality if they were authorized to provide it, on their own without retribution from Mr. Aguilar. Yet, the fact is, under the new rules and regulations implemented since 2004 by the Department of Homeland In-Security, you will never get anything that strays from the official approved script. That is why it is important you have witnesses who do not have to worry about being retired by DHS or detailed from what is considered a good managerial detail to an outpost such as Ramey.

Many Americans feel that these hearings are to be nothing more than staged dog and pony shows, with a sell-out by Congress agreeing to amnesty following these hearings. This is why so many Border Patrol agents just simply have refused to talk. They cannot make themselves vulnerable to what our sources and many news outlets have reported as the "culture of corruption" at BP Headquarters that has led to such fear and retribution within the agency. As a result, the Mexican Government continues to undermine our nation, and people, while assisting terrorists. This is how the Chief of the Border Patrol continues to put his agents at risk, because nobody under his command trusts our Congress to step forward and tell the truth, beyond my fellow panelist Mr. Bonner who has enough media spotlight that he has a little more wiggle room.

Instead, agents have to depend on civilians staging publicity stunts to take cameras out to the desert under horrible conditions in the hopes that something will happen in front of the news media so that the truth gets out. As I was informed during meetings along the northern border, it is a shame that civilians have to provide technology that DHS can easily provide for themselves, but refuse to do. But someone has to do it, and this particular official as well as numerous others were pleased that someone was willing to step forward and do so.

If you do not believe the extent of the mistrust that many law enforcement agencies with the federal government and the Border Patrol, then you must not be paying attention to what many border sheriffs have been stating for months. Only, like me, they're not doing it for publicity or electoral reasons, they are telling the truth and standing by it because they are concerned about our nation's being compromised and vulnerable to terrorists entering our borders. Please review an interview I have attached published in May 2006 by the New American Magazine (Item-5) in which I discussed an incident that took place in El Paso Texas during a break between meetings of the Border Sheriffs Coalition and Border Patrol. It underscores and exemplifies the mistrust many have with the Border Patrol. Also, read a letter I submitted to committee member Mr. Poe regarding our request for a GAO investigation of the Border Patrol (see Item-4). It will shed much light on the problems within the Border Patrol.

Until this happens, the invasion of our nation will continue without anyone to stop it. The quality of life of our fellow Americans residing along the borders will continue to deteriorate as will the threat against our lives.

I want to mention what a bad idea it will be if the House of Representatives assents to the Senate version of amnesty after DHS certifies that the border is under control. This is really the fox guarding the henhouse and would be akin to having to consult with Mexico on the need for a border fence. Sources of ours report that DHS and CBP have been informing the public through the media that the Border Patrol has achieved "operational control" of the borders and that crossers had a "substantial probability of apprehension". If the House falls for this type of conditional provision, DHS will immediately certify that the border is secure, which ensures that amnesty can go ahead. DHS is, after all, run by the most incompetent group of handpicked bureaucrats our government has ever seen rise to such positions. In one case, one such agency head is the most unqualified choice of them all whom could not even pronounce Nuevo Laredo at her first press conference. Of course she recommended herself to the president though my fellow panelist Mr. Kobach was eminently qualified and available.

It is our position after investigating the insecurity of our nation and regular contact with our law enforcement sources that we are vulnerable to Mexican Military

incursion, smugglers, drug cartels, and violent gangs. To be perfectly honest, the only thing that DHS and the Border Patrol have excelled at is convincing America that the border is secured and they certainly wouldn't suddenly decide to tell the truth with so much at stake. Hopefully Congress recognizes what a con game this would be and declines any amnesty provision beginning with rejecting the Senate Amnesty as authored by S-2611 aka Hagel-Martinez as well as a recent House proposal by Mr. Pence.

I respectfully will remind the committee that it is impossible to even talk about such things as amnesty/guest worker programs or reconciling the House and Senate bill as neither bill addresses the greater problem. I am declaring the Border Patrol to be a broken organization in dire need of an overhaul. This was an agency whose headquarters motto used to be "serving the field." Now you have over 200 personnel at HQ, when we need boots in the field. It is imperative that Congress overhauls the Border Patrol, remove the manager who rules by fear and you'll find countless witnesses who will appear before you and provide the facts, upon which you'll know the truth and begin to win the war on terror. Want to stop terrorists? Fix DHS and the USBP first and tell Mexico to fix their own house and stop exporting terrorists, criminals, and narcotics illegally across our borders while conducting espionage in our house.

Mr. Chairman, I thank you for the opportunity to appear as a witness today and look forward to not only answering the questions of you and your fellow committee members, but also working with the committee in the future.

Mr. ROYCE. Thank you very much, Mr. Ramirez.

Mr. Kobach, you've been looking into terrorism as it relates to immigration law for some time.

As Congress considers immigration legislation, what would be the three things that you would focus on? And I'd like you also to make reference to your concerns about the issue proceeding with the border fence. The Senate bill has the prohibition. The House has the fence. The Senate bill curtails law enforcement from working with immigration officials as you've indicated, the House bill does not. The Senate bill does not end catch-and-release. The House bill does.

If you could talk a little bit on these issues.

Mr. KOBACH. Yeah I could highlight a couple of things. One is the terrorist threat posed by overland crossings. We knew after 9/11 as we in the Justice Department—and of course we had the INS at that time—stepped up our efforts to secure the ports of entry, that the terrorists would adapt their tactics and they'd eventually start to rely heavily on overland crossing. And that's what they've done. There are examples, hard examples, public examples right now of terrorists that crossed the southern border. I'll just give you two that are publicly known. One is the case of Mamoud Kourani who was indicted in January 2004 in Dearborn, Michigan for providing material support to Hezbollah. He entered the United States by paying a Mexican consular official in Lebanon to give him—bribing an official to give him a visa to get to Mexico. Then he paid a Coyote to smuggle him into the United States.

Another example is Farida Ahmed who was apprehended in July 2004 in McAllen, Texas, and had crossed the border 3 days earlier.

In addition to these known cases, the statistics are hard to ignore.

In the back of my written testimony, you'll see a chart. And it shows all of the high-risk countries. These are the seven state sponsors of terrorism which are now down to six, including special terrorist countries where al-Qaeda is known operate. In fiscal year 2005—you need to remember this number—the Border Patrol ap-

prehended 3,722 aliens from either state sponsors of terrorism or countries where al-Qaeda has operated.

We know that for every one we catch, there may be three that we don't catch. So do the math. Back of the envelope. That's more than 10,000 in 1 year. Let's assume that only one in a thousand of the people from these terrorist associated countries are terrorists. That's still ten terrorists and that's a very conservative estimate. The threat is real. The threat is out there. And as we heard time and again from these panels, the only thing we know that stops people is a physical barrier. That's why the wall is so important and that's why I draw attention to Section 117 of the Senate bill. The consultation requirements are truly unusual. I know of no other provision in U.S. law where the Federal Government requires State and local governments—every single government on the border—to consult with State and local governments of a foreign power before the Federal Government can act.

Now from my experience as a Justice Department official, when we had consultation requirements with the State Department, just getting two agencies in the Executive Branch to consult took months or years.

If you add to this three levels of government and a foreign power, the delay will be inexorable.

Mr. ROYCE. Thank you.

Mr. Sherman.

Mr. SHERMAN. With only 10 minutes left let me just make a few observation.

One of those is that Cuba's on the list of terrorist countries. So many of those from terrorist countries are Cubans seeking refuge in the United States.

For the vast majority of local law enforcement organizations have not prosecuted and detained those with civil immigration violations now, so I don't know whether the Senate bill will make the situation any worse than such a small level of detention. That we have only 1/20th of the coverage on the Canadian border and the Congressional Research Service said Canada is a favorite place for terrorist groups and a safe haven, transit point, and a place to raise funds.

Mr. Kutz, I'm particularly interested in your testimony. When your teams came across the border, were the CBP folks aware that you had radioactive material but bought your story as to why it was legal to bring it into this country? Or were they unaware? And if they were unaware, did you use any lead shielding or did you just have this stuff available for detection by devices and it still wasn't detected?

Mr. KUTZ. They were aware. One of the objectives was to make sure that the radiation border monitors actually worked, and they did work.

We had the materials in something called "pigs," which are containers that you typically carry this type of material in. But we did not try to disguise it. Our intention was to actually set off the monitors, see how the CBP inspectors reacted to our task. But we wanted to see if we could beat the system—

Mr. SHERMAN. Have you tested this system, in terms of trying to beat the machine rather than beat the people, the law enforcement

authorities, by shielding the radioactive material to see if it would be detected?

Mr. KUTZ. No. We did test the personal detection monitors at locations where there are not the radiation border monitors. But no we did not try to beat it by shielding.

The other point I would make is we could have actually driven around the monitors. So we actually went through the monitors to see if they would actually work.

Mr. SHERMAN. Thank you.

Mr. ISSA. Thank you, Mr. Chairman.

Mr. Bonner, we had your chief of this region here. And I think he was pretty candid that the memo of December 2004 that dramatically reduced his ability to get convictions of foot traffic Coyotes, the actual people steering people through the border, sometimes abandoning them, but technically doing that, had a detrimental effect on what he thought was the prevention of, and the growth of—or stopping the growth of illegal immigration through the sector.

I'd like to switch a little bit along that line, though, because you represent the members—you represent the union, you're in a position to see when they're disgruntled, demoralized, upset, et cetera.

What kind of effect does this lack of prosecution—the fact that people—there's a mill where you pick them up; you just get told to release them.

What effect does this have on this region, or anywhere along the border, if Border Patrol does their job and even the Coyotes are not being prosecuted?

Mr. BONNER. As you might imagine, it has a very demoralizing effect when you go out and risk your life enforcing the immigration laws of the United States only to have the cases turned down.

Mr. ISSA. In your experience with the Border Patrol and working with your agents, I'm assuming that the Border Patrol expects you can't prosecute everybody who comes across the border trying to, as I euphemistically used to say, “pick tomatoes.”

But do you believe that your agents expect and believe that there should be zero tolerance for returning criminal aliens and for Coyotes and for people who represent imminent danger to America?

Mr. BONNER. We certainly believe that. But they don't expect very much anymore because of what goes on, what they experience every day.

Mr. ISSA. And just, if I could, Mr. Chairman, briefly, there was a lot of talk in the previous panel about working with the Mexican Government.

From your experience, particularly with your border agents here, is that really going to be productive?

Mr. BONNER. No. We trust their government as far as we trust any other terrorist country.

Mr. FILNER. Mr. Chairman, I know I just speak to our side, it's a topic—very emotional, very divisive. I want to thank you for your fairness. That was exceeding disciplined, but applied fairly. So thank you so much. It could have gotten out of hand. So thank you.

And I want to thank you all for being here. You collectively paint a very frightening picture, I mean, of what is going on that can hurt our nation. And we have an obligation to deal with it.

I was just saying to our Committee, Mr. "Ko-Batch" or "Back"? Mr. KOBACH. "Back."

Mr. FILNER. You pointed out several problems, as you see it, with the Senate versus the House bill.

Well, those are issues that ought to be in a conference committee and can be worked out. I mean the majority party can do that. I mean, if you paint, for example, that they can't—law enforcement can't enforce civil law, and the Senate, you know, agrees with it, then that's the whole process of the conference. That's why they should be there, not here.

I also would point out, just as a comment, we don't have a time for a response. You didn't understand why these consultations—I will just tell you, I don't know if they're appropriate or not, but the border communities are pretty unique communities. I mean, from here to, you know, Brownsville. There is a close relationship of people and families and work, you know, legally, on both sides of the border. And I'm not sure if it's inappropriate for all that, and it happens anyway. So if we build it in, I don't see a problem.

And Mr. Bonner, again, your leadership has been fantastic over the years. I've met a lot of your guys; we've gone on ride-alongs. I think I agree with Mr. Issa when he asked, What about the morale? When there is no prosecution, when there is release, and they come back again and again, we're not doing your guys any help by not fixing this thing.

And I would say that the quickest fix right now, I mean, that we could do tomorrow, is the prosecution of our employers.

The magnet that everybody talks about would be reduced, I don't know, by 80 percent.

If it was clear, that somebody would go to jail for hiring—if Mr. Tyson, who not only hires in his chicken stuff, but recruits illegals in Mexico, to have cheap labor and no benefits and no unions and all that, I think that, you know, that would be the quickest thing to a solution that we can do right now. There's longer-range stuff.

But I just want to thank you and your officials for everything they do.

Mr. KOBACH. Can I just make one response?

With respect to rushing to committee, this is the Senate bill, it's 800 pages. That's double-sided. I'm sure everyone's already read every paragraph. There are lots of things buried in here that I think these Committees—I assume these Committees are designed to bring out. Section 240(d) does not jump out at you. It's not entitled "Stripping Away Jurisdiction From Local Police." You have to comb through it carefully.

With respect to the consultation requirement, it also requires soliciting opinion from affected communities. That, in effect, is requiring a comment period in every one of the hundreds of communities.

Mr. FILNER. You live in Missouri or—

Mr. KOBACH. I work in Missouri and live in Kansas.

Mr. FILNER. I represent the whole California border, and with Mexico. And I will tell you that we don't find that at all unusual.

That is, we ought to build it into something. It may not have to be as elaborate as you found it. But these are very unique communities.

And I have to tell you, as I said, 300,000 people in my district go back and forth every day legally. There is a relationship between both sides of the border that doesn't exist anywhere else in America. And you have to take that into account when you do the legislation.

Mr. ROYCE. And, hopefully, we'll have better luck with Nuevo Laredo than we do with the California Coastal Commission on the San Diego fence.

Could we go to J.D. Hayworth. And then we'll go to Mr. Becerra.

Mr. HAYWORTH. Thank you, Mr. Chairman. Thanks again to all of the witnesses.

Compelling, disturbing testimony. And I would hope, no matter the unique relationships of communities that transcends the border, again, nothing would take a backseat to enforcement. And I would welcome all of my colleagues to join me on enforcement first where we raise exponentially the penalties for employers who knowingly hire illegals.

Let me turn to Mr. Ramirez. Project Athena, would you elaborate a bit more on what is transpiring and what seems to be, based on your testimony, a disconnection between what's going on at certain border stations in our northern border and what they're hearing from Washington, DC?

Mr. RAMIREZ. Yes. Let me pull my notes up on that, sir, because this is rather detailed and intricate, but I'll try to be as brief as possible.

With project Athena, this has been developed by Raytheon over the past number of years. And what it does is it basically utilizes a type of technology—which I can provide actual slide show to the Committee. This way, in the event it may be revealing some national security items, we won't be doing so. But I'll present it to the Committee. Again, I have a copy with me.

Mr. HAYWORTH. Again, rather than the elaboration of the sources and methods, if you will, you're telling me that the station chiefs, the sector chiefs, want to see this?

Mr. RAMIREZ. Yes, sir.

Mr. HAYWORTH. But Washington is not going to go along?

Mr. RAMIREZ. That is correct.

I've been on the Canadian border for the past 11 days, engaging in meetings on the northern sector, as well as a lot of other sources that I do have. And they have requested this.

The project that would be Operation Lakeview was done last summer, in the month of August.

Buffalo Sector and the Detroit Sector are the two that are specifically effected by Operation Lakeview or Project Athena. The sector chiefs there, Chief Bates and Chief Moran, have both filed a letter with Chief Aguilar. A source of mine that has retired, and therefore I feel a little bit more free to talk about it, and this is a high-ranking source, said that it will not be implemented. That nothing that they have requested will be done, though the cost is far more efficient than, say, remote video surveillance cameras, which have cost

\$429 million, along with the fact that ISIS can't even be integrated. Those are ground sensors.

So Project Athena has been requested.

Mr. HAYWORTH. Thank you, Mr. Chairman. Thanks to the witnesses.

Mr. BACA. Thank you, Mr. Chairman.

Let me ask a quick question, see if I can get a yes or no to this.

Previously we talked to the panelists and the witnesses before about the distribution of dollars.

Do any of you believe that the distribution of dollars by the Congress of this Administration are distributed fairly to communities throughout the country, Homeland Security funding? Yes? No? Just a quick yes or no.

Mr. KUTZ. I don't have any knowledge on that.

Mr. KOBACH. Clearly, there are areas where they're not getting adequate funding.

Mr. RAMIREZ. Absolutely not. And when you look at my testimony, it identifies that by both the northern border and the Ramey Border Patrol Sector, meaning Puerto Rico.

Mr. BECERRA. Just for the record, this is an older figure, 2003 figure, but in 2003, Homeland Security dollars, State of Wyoming got \$35.31 per person. State of California got \$4.68 per person. And I suspect we can probably think of a lot more sites that are a part of the risk in any terrorist plot than we can think of in terms of Wyoming.

Quick question again, because time is limited.

Seventeen suspected terrorists were recently arrested in Toronto. There are reportedly around 50 terrorist groups in Canada. The Millennium Bomber was arrested as he attempted to cross the northern border with explosives. The Congressional Research Service says that Canada is a favored destination of terrorists groups as a safe-haven transit point and a place to raise funds.

Just last week we saw helicopters flying from Canada into the United States with millions of dollars worth of drugs. While we have 10,000 Border Patrol agents stationed along the 2000-mile border with Mexico, we have less than 1,000 Border Patrol agents stationed along the 5,000-mile border with Canada.

Given a 24-hour workday and three shifts in a day, at any given moment there are only 250 to 300 Border Patrol agents along the 5000-plus-mile border with Canada.

Do any of you believe that we're doing enough to protect our security along the northern border?

Mr. RAMIREZ. Absolutely not.

While there are 1,000 agents on the northern border, there have been no detailers. One sector of the northern border is down 31 percent from 142 authored agents to 102 actual agents that are there.

Of course, you have agents that are detailed to many other sectors and this is the Buffalo Sector, which is directly across the lake, in one problem, you basically will have five agents that are available at a station in that sector with 8 vacancies, and it takes two agents to operate a boat. So if you can't even operate the boats, you have a blaring national security problem on that northern border.

Mr. KOBACH. Clearly, Canada needs more resources as well. But remember, the Millennium Bomber came through a port of entry.

We have documented cases of terrorists entering without inspections across the southern border. And there's one other difference you have to be aware of, and that is that the infrastructure for people to criminally enter into United States exists on the southern border, and the traffic flow is immense. So there are people you can pay to do it for you and you can mix into the traffic very easily.

Mr. BECERRA. Why pay when you can ski in, drive in, sneak in?

Mr. KOBACH. I agree that Canada needs more resources, but we shouldn't pretend that somehow the southern border is locked up without the necessary resources.

Mr. BECERRA. Good point, Mr. Kobach.

Let's not pretend that there's not an issue on the southern border, but let's not also close our eyes to the fact that there's a need to do it on the northern border as well.

Mr. ROYCE. Mr. Poe.

Mr. POE. Thank you, Mr. Chairman.

Border Patrol has to be knowledgeable in 8,000 different types of documents to determine if this person coming in has a lawful right of entry.

Last year, there were 83,000 people arrested in 1 year trying to cross our borders with fraudulent documents that were prosecuted.

My question, Mr. Kobach, is do you think the United States ought to implement the 9–11 Commission's report that we get away from all these different types of documents for lawful entry and go to one document such as a passport?

Mr. KOBACH. I think there's a lot of merit to that suggestion. I think it's probably—you said one document such as a passport?

Mr. POE. A passport.

Mr. KOBACH. You're talking about the northern border, then?

Mr. POE. Either border.

Mr. KOBACH. Well, clearly on the northern border one of the problems is that you can get across just by asserting that you're a U.S. citizen. And we've got to increase the documentary requirements on the northern border.

On the southern border, you're supposed to present a passport already. If we have one single visa-looking-like document that would accompany the passport to allow someone in, I'm sure that would improve the ease of operations for the people on the primary inspection line at the port of entry. But I'm not sure that that would be a silver bullet to solve what's happening at the ports of entry.

Mr. POE. Would it help on national security, though, to have one type of document to require entry into the United States lawfully—

Mr. KOBACH. Sure. It would also help local police if they knew what to look for. But the State and local police also have a 24–7 phone line if they're not sure what they're looking at. And the person on the other end of that phone line in Williston, Vermont—all he needs is a name and a date of birth; and he can say, yes, the person's here legally, or no, that alien's not here legally.

So there is infrastructure out there that we should be relying on, and we certainly shouldn't be stripping it away, as the Senate bill does.

Mr. POE. Thank you, Mr. Chairman.

Mr. ROYCE. Thank you.

Mr. Grijalva?

Mr. GRIJALVA. Two quick questions, if I may, Mr. Chairman. And thank you.

Mr. Bonner, as the representative in the union that represents Border Patrol agents, can you describe for me what the collective bargaining prerogatives you have now after the consolidation of Homeland Security? Or are they the same as they used to be? Or are they areas in which negotiations are possible or not possible?

And that's to address the morale question. Because I think it would be very important for Border Patrol agents to feel they can be at the table with management to discuss some of the issues that come up for those men and women that are on the ground day-in and day-out.

Is it full collective bargaining?

Mr. BONNER. As you're very well aware, the Homeland Security Act stripped away many of those rights and protections. The U.S. Courts of Appeals for the DC circuit recently threw a monkey wrench to strip away some of those rights. And it would be a good thing if Congress would revisit that issue.

Mr. GRIJALVA. That's my point, on the morale.

If I could, Mr. Ramirez, it's a very quick question. I know in some of your previous comments you talked about interior enforcement as well. And you extensively studied the issue for 2 years on a variety of issues on the border.

But let me talk about the issue of the fence, the wall, whatever you want to call it, and, first, your opinion on that.

But second, there's a gentleman running for Governor in Arizona, a prominent Republican, Goldwater, grandson of Barry Goldwater, who has recommended that one of the ways, as we start mass deportations in this country, is to take those people arrested, put them in camps along the border, and, to save money, require them as part of their punishment to build a wall.

Your reaction to that.

Mr. RAMIREZ. Requirement to build a wall?

Well, hasn't Sheriff Joe proved, if you have a deterrence, and I'm referring to Sheriff Joe Arpaio, if you have a deterrence and you would do a crime, you should do the time.

Mr. GRIJALVA. So you're okay with the concentration camps and the forced labor?

Mr. RAMIREZ. Not concentration camps—we're not talking concentration camps.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Mr. RAMIREZ. That was a cheap shot.

Mr. ROYCE. Time has expired. We're now going to go to Congressman Rohrabacher.

Mr. ROHRABACHER. First of all, Mr. Chairman, I request to start over with my time because of the microphone.

First of all, the testimony about the radiation, I have been told that there are 60 million containers that cross into the United States, and the fact that you're test managed to catch two of them, the only two that you were testing, does say something good with U.S. Customs. And I understand they're working to try to make sure that once they have identified this, they can actually deal with the issue better than they did with these two shipping containers.

Let me also note that radiation isn't the only problem coming across our border in containers. What about disease? Let me just note that we have illegal immigrants both intentionally and—as terrorists, or as unintentionally, just as human beings coming into this country perhaps introducing us to diseases that threaten our population and safety and security.

We have learned a lot here. I want to thank Brian Bilbray for his idea of asset forfeiture of bringing this into this debate. We need total cooperation with total compensation if we're going to solve this problem. I would suggest an ID card for Americans so we can go across the border here and thus the passports would be necessary for anyone else to come into the country.

Finally, let me note this, Mr. Chairman. We've had some criticism from the other side of the aisle because some of us on this side of the aisle are not in favor of coming down on employers. Our President of the United States has not done his job on that, just as he has not been doing his job in making sure we secure our border.

But if you want to find out who's serious about getting employers, make sure that you look at the voting record for people who have voted on a possible United States totalization agreement with Mexico which would eventually lead to Mexicans who are here illegally receiving Social Security benefits are the people who are complaining about not enforcing the employers are undermining our efforts to prevent illegals from getting Social Security.

Let's hold people accountable here.

Mr. ROYCE. Congresswoman Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chair. I won't ask any more questions, but I will submit them for the record, because there are many questions that still remain unanswered.

But Mr. Bonner, the Smart Technology, is there a new technology that is going to assist in the identification of the bombs and the IRAs?

And then, of course, there's the issue of container identification.

If we send people to the moon, have we developed anything to be able to implement at the border to help identify those things that are going to harm us?

Mr. BONNER. Well, there certainly is technology out there. What is lacking is the will to implement technology that would incorporate some of those features. And some people are afraid of a national ID card.

We need to do something, because I'm much more afraid of being attacked again by terrorists.

Mrs. NAPOLITANO. Thank you, sir.

Again, the magnet, and we've touched upon the magnet for undocumented in the U.S., and that's jobs. I passed a bill—or not passed. I tried to pass a bill when I was in the State House to apply sanctions to businesses in California. It was killed by a business special interest group, sir. We tried, but, unfortunately, the will has not been there. Hopefully, now, there may be, because that is one of the reasons.

Mr. BONNER. I wholeheartedly agree. Business should not be controlling this debate. The American people should be controlling this debate.

Mrs. NAPOLITANO. Thank you, sir.

Mr. Kobach, the overstay visa issue. Back in the '90s, the INS—then INS—indicated that they could not check overstay visas until 3 to 6 months after they've been overstayed.

Has that changed, do you know?

Mr. KOBACH. Well, they can check—one of the things that we did right after 9/11, when I say we, the Justice Department, was to implement the N.S.E.E.R.S. system which took people from high-risk countries and required that they check in after 30 days. And that immediately assumes the person supposedly left but did not leave, that we'd immediately follow up and locate that person.

So we have a system in place. However, the N.S.E.E.R.S. system has been scaled back slightly by the Department of Homeland Security.

Mrs. NAPOLITANO. Why?

Mr. KOBACH. I think it was a very bad idea to scale it back.

But yeah, we have the capacity right now.

Mrs. NAPOLITANO. Thank you, Mr. Chair.

Mr. ROYCE. Mr. Bilbray.

Mr. BILBRAY. Mr. Bonner, you still represent the Border Patrol Council?

Mr. BONNER. Correct.

Mr. BILBRAY. 10,000 men and women whose job it is to control immigration.

Mr. BONNER. Yes.

Mr. BILBRAY. Not Republican, not Democratic, nonpartisan.

Is that fair enough to say?

Mr. BONNER. That's a fair representation.

Mr. BILBRAY. You don't care who gets the political advantage on this issue?

Mr. BONNER. We just want the borders secure, sir.

Mr. BILBRAY. Your goal is to control illegal immigration?

Mr. BONNER. And to secure the borders.

Mr. BILBRAY. If there was one bill, one, between now and the time we adjourn, that you would ask everyone up here, Democrat and Republican, is there one bill that the 10,000 men and women who are trying to control the border could get, what bill is before you, the House or the Senate, that you would ask us to go back to Washington and say, "Pass that by bill"?

Mr. BONNER. That would be H.R. 98, Congressman Bilbray, which would come up with a counterfeit-proof Social Security card so that every employer in this country would know who has a right to work here, and it would punish those employers that did not.

That would solve most of the problem, allowing the Border Patrol to devote its resources to catching the criminals and the terrorists who are exploiting the vulnerabilities of our borders.

Mr. BILBRAY. Mr. Bonner, who are the two coauthors of that bill?

Mr. BONNER. Congressman Dryer is the principal sponsor on the majority side, and Congressman Reyes, a Democrat, a former Border Patrol agent and chief.

Mr. BILBRAY. In fact, if I remember right, Sylvester Reyes was the man who sort of sent the signal—I believe it was in El Paso, was it? that we can control the border if we so desire.

Mr. BONNER. That's correct.

Mr. BILBRAY. Mr. Chairman, I think that the recommendation coming from the 10,000 men and women about the fact that maybe the House and maybe the Senate may disagree. But I certainly hope that those of us up here who really sincerely want to control illegal immigration can take a recommendation from the men and women, there aren't Democrats, there aren't Republicans, but great Americans. So let's control the border by getting to the source of the problem.

And I have to say, it seems like the 86 law gave amnesty, but it didn't do employer enforcement, and it looks like your bill proposes to do that employer enforcement.

Mr. ROYCE. Let me just say—thank you, Mr. Bilbray.

I want to thank all of our witnesses, many of you came a long way to testify here today. We appreciate that.

I want to thank all our Members here, as well, and our Ranking Member, Congressman Brad Sherman.

I really want to thank the Border Patrol for allowing us to use this facility here today. I think the best favor we could do them, since we're supposed to be done at 12:45, and I know they need this building at 1 o'clock, is for us to adjourn—

Mr. SHERMAN. Mr. Chairman, I've been told that we have use of this room until 2 o'clock if we need it. They made a point of us all being out of the room by 2 o'clock.

But I also want to take this opportunity to thank you for how you've handled this hearing.

Mr. ROYCE. Thank you, Mr. Sherman.

Thank you very much, Mr. Sherman. Thank you all again, and we stand adjourned.

[Whereupon, at 12:50 p.m., the Subcommittee was adjourned.]



BORDER VULNERABILITIES AND INTERNATIONAL TERRORISM (PART II)

FRIDAY, JULY 7, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL TERRORISM
AND NONPROLIFERATION,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10 o'clock a.m., at La Posada Hotel and Suites, 1000 Zaragosa Street, Laredo, Texas, Hon. Edward R. Royce (Chairman of the Subcommittee) presiding.

Mr. ROYCE. This hearing of the Subcommittee on International Terrorism and Nonproliferation will come to order.

I should note at the outset for the record that the Subcommittee is meeting outside of Washington, in Laredo, Texas. The Subcommittee welcomes the participation of several non-Subcommittee Members, including of course Congressman Henry Bonilla, who represents part of Laredo in the United States Congress. I'm going to yield to the Congressman for a welcome to Laredo.

Mr. BONILLA. I thank you, Chairman. I want to welcome all of my colleagues to Laredo, and to all the visitors as well a welcome to Laredo. This is the gateway to America, it's the corridor of commerce that begins on Interstate 35 and goes all the way through the heart of the country.

I've represented this community for 14 years, and this is an incredibly vibrant, thriving community that's on the cutting edge of any immigration reform that we might implement in the Congress. All of us understand, and we'll get into a little more detail later, of how the culture has changed drastically in terms of what kind of aliens are coming across the southwest border, and we're going to address that very specifically in this morning's hearing.

But again, to all of the Members who have not been to Laredo before, please understand that this is a community that for a good part of the last 10 or 15 years has been the second fastest growing city in America, right after Las Vegas.

Job creation, the building boom, the commerce that rolls through here is just an incredible occurrence that many of us have had the privilege of witnessing over the years. So we are going to learn a lot today, and with that, Chairman, I yield back.

Mr. ROYCE. I thank you, Congressman Bonilla. The purpose of this hearing, titled "Border Vulnerabilities and International Terrorism," is to assess the threat of international terrorism, and scrutinize our nation's response to it. The number one priority of the

U.S. Border Patrol, as presented in its National Border Patrol Strategy is what?

It's to establish substantial probability of apprehending terrorists, and apprehending their weapons, as they attempt to illegally enter the United States between the ports of entry. The Subcommittee today will be focused on this critical mission of the Border Patrol.

In April our Subcommittee conducted a similar oversight hearing, entitled "Checking Terrorism at the Border," which critically looked at the U.S. Citizenship and Immigration Services.

The Subcommittee heard testimony of fraud and corruption and national security compromises within that agency, which terrorists and foreign intelligence agencies are likely exploiting. The 9/11 terrorists entered our country this way, most by fraudulently securing documents and violating their terms of stay. They overstayed their visas. Our hearing caught the attention of USCIS leadership, and hopefully its operation will improve. This week, with a field hearing on Wednesday in San Diego, and Laredo today, the Subcommittee is examining our physical borders' vulnerability to terrorism.

It's elementary that to defend ourselves against a rather determined and resourceful enemy, our border must be secure. Or in the words of the Border Patrol, we must have "operational control of the border." The Border Patrol acknowledges that we don't now have this, which is obvious, especially to individuals from jurisdictions where they live close to the border.

As we'll hear today from two Texas sheriffs, drug cartels and smuggling rings and gangs operating on the Mexican border are increasingly well-equipped, and more brazen than ever in attacking Federal, State and local law enforcement officials. Border Patrol agents have been assaulted in increasing numbers. Some border areas can be accurately described as war zones. If we go over the border and visit Nuevo Laredo across the bridge, there a drug cartel turf war is underway.

Part of the question is, do these border vulnerabilities, are they opportunities for terrorists? Now, one of the concerns that we have on the International Terrorism and Nonproliferation Subcommittee is that Admiral James Loy testified last year, he was then the Department of Homeland Security's deputy secretary, these are his words. He said that several al-Qaeda leaders believe that their operatives, their agents, can pay their way through Mexico, and that al-Qaeda believes that illegal entry is more advantageous than legal entry for operational security reasons.

The National Border Patrol Strategy warns of, in its words, "an ever present threat" of potential terrorists employing the same smuggling and transportation networks illegal aliens use to cross the border. These terrorists, the Strategy states, could cross the border undetected with biological or chemical weapons.

One of our witnesses smuggled radioactive material, enough to make a dirty bomb, through two land ports of entry, one on the northern border, one on the southwestern border. Laredo, Texas is the busiest trading port on the United States-Mexico border. Our Border Patrol witness will testify that reducing illegal entries across our border is now more than ever a matter of national secu-

rity. Post-9/11, I don't know how you look at the porous, and in some places violent state of the border, including the sophisticated cross border tunnels that are being dug, without being very concerned.

Lately there has been a spike in the number of individuals from countries other than Mexico illegally crossing into the United States. Last year, the Border Patrol apprehended individuals from Syria, Iran, Iraq, Saudi Arabia, and Somalia, crossing the southern border. These countries are either designated state sponsors of terrorism, or they're countries where al-Qaeda and affiliated terrorist organizations are very active. In 2005, over 30,000 Brazilian Nationals were apprehended, a 900 percent increase from the previous year. Now, Hezbollah is very active in the Argentina, Paraguay, Brazil border area. There is a large population there that has very close affinity to Hezbollah. The FBI has testified to Congress that individuals from countries where al-Qaeda is operational are changing their Islamic surnames to Hispanic surnames. That is cause for concern. Too often, illegal immigrants who are not from Mexico are apprehended, released with a promise to report to court, and then they are never heard from again. Immigration reform must be national security reform.

In December, the House of Representatives passed the Border Protection, Anti-Terrorism and Illegal Immigration Control Act. The Senate has passed a different immigration bill. The House bill does more to gain operational control of our border. The House bill requires more miles of fencing, while the Senate bill hinders fencing our southern border by requiring what one witness in San Diego told the Subcommittee is an unprecedented and problematic consultation with Mexican authorities. This is an issue to Southern Californians in that we have worked for 8 years to close a gap in the fence, less than three miles, called Smuggler's Gulch. We've had to have consultation with the California Coastal Commission. It's taken us 8 years to get that gap closed. This requirement on the Senate side would roll back our ability in terms of border security. Also, in San Diego the top Border Patrol official of that sector testified that its 14 mile fence has helped a great deal in controlling the border there. Now, every community is different, but in San Diego it has cut the crime rate by more than half, because the cartels that operated on that fenced area now have a much more difficult time.

The Subcommittee heard too how the Senate bill ties the hands of State and local law enforcement officials in combating terrorism. This is a terrorist loophole when local law enforcement can no longer stop someone who's overstayed their visa. Before 9/11 several of the pilots that took over those planes were detained. They had in fact expired visas.

They were stopped and given speeding tickets. The records weren't checked, but now that records are being checked we don't want to put in place a firewall that says local law enforcement can't cooperate with Federal immigration authorities on issues like that. The Senate bill does that.

So we live in an age when dedicated terrorists want to hit us as hard as they can, they want to knock us out. It has been reported

today that the FBI has uncovered a jihadist plot to bomb New York City tunnels. So we need to be responsible.

Our country has made progress in fighting terrorism since 9/11, but in some areas we're losing ground, including the most fundamental task of securing our physical borders, both our northern border and our southern border. It's my goal for this week's field hearings to help advance this cause, much as in the way that I think we did with our Citizenship and Immigration Services hearing earlier this year. I will now turn to Mr. Reyes, a former Border Patrol agent, who served as a sector chief in McAllen and El Paso, who will act as the Subcommittee's Ranking Member for an opening statement.

Mr. Reyes, it's a pleasure to have you join us here today.

[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL TERRORISM AND NONPROLIFERATION

This hearing of the Subcommittee on International Terrorism and Nonproliferation will come to order. I should note at the outset that the Subcommittee is meeting outside of Washington, DC, in Laredo, Texas. The Subcommittee welcomes the participation of several non-Subcommittee Members, including Congressman Henry Bonilla, who represents parts of Laredo in Congress.

The purpose of this hearing—titled *Border Vulnerabilities and International Terrorism*—is to assess the threat of international terrorism, and scrutinize our nation's response. The number one priority of the U.S. Border Patrol, as presented in its National Border Patrol Strategy, is to “Establish substantial probability of apprehending terrorists and their weapons as they attempt to illegally enter the United States between the ports of entry.” The Subcommittee today will focus on this critical mission.

In April, the Subcommittee conducted a similar oversight hearing—*Checking Terrorism at the Border*—which critically looked at the U.S. Customs and Immigration Services. The Subcommittee heard testimony of fraud, corruption and national security compromises within that agency, which terrorists and foreign intelligence agencies are likely exploiting. The 9/11 terrorists entered our country this way, most by fraudulently securing documents and/or violating their terms of stay. Our hearing caught the attention of USCIS's leadership, and hopefully its operations will improve. This week, with a field hearing on Wednesday in San Diego, and Laredo today, the Subcommittee is examining our physical borders' vulnerability to terrorism.

It's elementary that to defend ourselves against our determined and resourceful enemies, our border must be secure; or in the words of the Border Patrol, we must have “operational control.” The Border Patrol acknowledges that we don't have this now, which is obvious, especially to those Americans who live in border communities and suffer the consequences of illegal immigration. As we'll hear today from two Texas sheriffs: drug cartels, smuggling rings, and gangs, operating on both the Mexico and U.S. sides, are increasingly well-equipped and more brazen than ever in attacking federal, state and local law enforcement officials. Border Patrol agents are being assaulted in increasing numbers, including here in Laredo. Some border areas can be accurately described as war zones. That's certainly the case in Nuevo Laredo, across the bridge, whose drug cartel turf war has spilled into the U.S.

These border vulnerabilities are opportunities for terrorists. Last year, a top Department of Homeland Security official testified to Congress that al Qaeda has considered crossing our southwest border. It may have already happened. Admiral James Loy, then the Department of Homeland Security's deputy secretary, also noted that al Qaeda leaders believe that illegal entry is more advantageous than legal entry for operational security reasons. The National Border Patrol Strategy warns of an “ever-present threat” of potential terrorists employing the same smuggling and transportation networks illegal aliens use to cross our border. These terrorists, the *Strategy* states, could cross the border undetected with biological or chemical weapons. One of our witnesses smuggled radioactive material, enough to make a dirty bomb, through two land ports of entry, one on the northern border, one on the southwestern border. Laredo, Texas, I would note, is the busiest trading port on the U.S.-Mexico border. Our Border Patrol witness will testify that reducing

illegal entries across our border is now more than ever a matter of national security. Post 9/11, I don't know how you look at the porous and in some places violent state of the border, including the sophisticated cross-border tunnels that are being dug, without being very concerned.

Lately there has been a spike in the number of individuals from countries other than Mexico illegally crossing our borders. Last year, the Border Patrol apprehended individuals from Syria, Iran, and Somalia crossing the southern border. These countries are either designated "state sponsors of terrorism," or countries where al Qaeda and affiliated terrorist organizations are active. In 2005, over 30,000 Brazilian nationals were apprehended, a 900 percent increase from the previous year. Hezbollah is active in the Argentina-Paraguay-Brazil border area. The FBI has testified to Congress that individuals from countries where al Qaeda is operational are changing Islamic surnames to Hispanic surnames, a cause of concern. Too often illegal immigrants who are not from Mexico are apprehended, released with a promise to report to court, and are never heard from again. Immigration reform must be national security reform.

In December, the House of Representatives passed the Border Protection, Antiterrorism, and Illegal Immigration Control Act. This Senate has passed a different immigration bill. The House bill does more to gain "operational control" of our border. The House bill requires more miles of fencing, while the Senate bill hinders fencing our southern border by requiring what one witness in San Diego told the Subcommittee is an unprecedented and problematic consultation with Mexican authorities. Also in San Diego, the top Border Patrol official of that sector testified that its 14-mile fence has helped a great deal in controlling the border. The Subcommittee heard too how the Senate bill ties the hands of state and local law enforcement officials in combating terrorism. This is a terrorist loophole.

No one is eager to devote more resources to border security. Or build border fences. These policies have costs, which we wouldn't accept in a better world. But we live in an age when dedicated terrorists want to hit us as hard as they can. They want to knock us out. So we need to be responsible. Our country has made progress in fighting terrorism since 9-11, but in some areas, we're losing ground, including the most fundamental task of securing our physical borders. It's my goal for this week's field hearings to help advance this cause, much in the way that I think we did with our Customs and Immigration Services hearing earlier this year.

Mr. REYES. Thank you, Mr. Chairman, and I appreciate all the courtesies, and certainly have been looking forward to working with you, because I know of your hard work and your concern for our border issues and our border security.

Mr. Chairman, I'm pleased to be here to take part in this morning's hearing on border vulnerabilities and international terrorism. As you stated, I'm sitting in for Congressman Brad Sherman, normally the Ranking Member of this Subcommittee, because of a long-standing commitment that he had in his district.

I personally want to thank you, Mr. Chairman, for allowing me to participate as a Member of this panel, along with my Texas Democratic colleagues. While we do not serve on the House International Relations Committee, those of us who represent Congressional districts in the United States-Mexico border region have a vested interest in the debate on border security, which is why we are here today.

I also serve on the House Permanent Select Committee on Intelligence, and have years of firsthand experience, as you mentioned, in border security, and I appreciate having the opportunity to share some of these experiences with all of you gathered here today. I am especially glad to be back in Laredo. I have a lot of friends here, and I had an opportunity to get reacquainted with many of you. I also look forward to hearing from Members of the House International Relations Committee, and my fellow Texas Members, and witnesses who have joined us here today, several of whom I had the pleasure of working with previously.

Before I go on, however, I'd like to preface my remarks on the substance of today's hearing with a word or two about the process, or perhaps I should say the politics that got us here today to Laredo. While I have long believed that it is worthwhile for Members of Congress from other parts of our country to visit the border region and to hear directly from the people who live and work in our communities, the time for talk about border security, Mr. Chairman, has long since passed, and the moment for action is now.

In nearly 5 years since the terrorist attacks of September 11th, there have been countless investigations, hearings and reports about how to secure our country, but far too little in the way of meaningful measures to keep our country safe.

Instead of a traveling circus of field hearings that may make good politics, but do little to advance sound policy, I believe that Congress needs to get back to work in Washington to reach a compromise agreement with the Senate on comprehensive border security and immigration reform legislation.

With that having been said, I would like to share a bit of information about my personal background and my Congressional district. Perhaps then it will be apparent why I feel so strongly about the need for the meaningful border security improvements, and why I am so frustrated by an Administration and Congressional leadership, and the failure to secure our borders and curb illegal immigration, especially 5 years, almost, since 9/11.

I was born and raised right outside of El Paso in a little town called Canutillo, which is located right on the United States-Mexico border. El Paso, along with its sister city, El Ciudad Juarez, is much like Laredo and Nuevo Laredo, and have that same kind of working relationship and dependence on trade and commerce, culture and tourism. El Paso and Juarez comprise the largest metropolitan area on the United States-Mexico border.

Today I am honored to represent the people of El Paso, and that district in the U.S. House of Representatives. I commute to Washington, DC, every week. My wife continues to live in El Paso where we still have our residence, and we are very proud to call that home.

Before being elected to Congress I served for 26½ years in the U.S. Border Patrol, including almost 13 years as a sector chief, as you mentioned, in McAllen and El Paso. I was chief of the McAllen Sector, which is adjacent to Laredo Sector where we are today, and later served as chief of the El Paso Sector. In fact, I had a chance to welcome Chief Garza who is the deputy chief of what is now called the Rio Grande Sector, formerly McAllen Sector.

During the course of my career I patrolled the tough terrain of the United States-Mexico border region. I had the privilege of supervising thousands of hardworking, dedicated Border Patrol agents, and did everything within my power to strengthen our borders and reduce illegal immigration. Nobody understands America's borders or has a greater interest in securing our nation's borders than those of us who live and work along these border communities each and every day. That is why since coming to Congress nearly 10 years ago I have lobbied my colleagues for greater resources for border security, including additional Border Patrol agents, equipment and technology, more immigration inspectors

and judges, thousands of new detention beds so we can end that absurd practice of catch and release that you were mentioning, Mr. Chairman, that deals differently with other than Mexicans apprehended than we do with our undocumented people from Mexico.

I have also long supported providing the resources to enforce immigration laws in our nation's interior, including tough sanctions against employers who hire undocumented workers. If it were harder for an undocumented worker to get a job, few of them would try to enter this country illegally, which would allow the Border Patrol to focus on those who may be trying to come here to do us harm. Yet, in every instance the President and the leadership in Congress have failed to deliver these necessary resources, even though experts agree that another terrorist attack on our country is not a matter of if, but when.

For instance, the Intelligence Reform Act of 2004, often referred to as the 9/11 Act, called for 2000 additional Border Patrol agents hired annually from fiscal year 2006 through fiscal year 2010. But we in Congress have fallen well short of providing that number. Time and time again the leadership has voted against efforts to fund the authorized number of agents, leaving Acting Chief Garza here in Laredo, and other chiefs like him around the country, to do the best they can with not nearly enough agents to do what they need to do to secure this country's border.

Similarly, the 9/11 Act called for 8000 additional detention beds which were to be funded annually for 5 years, but far fewer have actually been funded. As a result, OTMs are still being released, with nothing more than a notice to appear, as you mentioned, Mr. Chairman, not because Border Patrol wants to release them, but because they don't have any option. They have nowhere to detain them. In total, Congress is 800 Border Patrol agents and 5000 detention beds short of what was promised in the 9/11 Act.

If the September 11th terrorist attacks did not convince our Administration and our Congressional leadership that border security and immigration must be a priority, what in the world will it take to convince us?

So this morning we are putting on this hearing, which becomes a political show. There will undoubtedly be much hand wringing and teeth gnashing about Mexican drug cartels, about border incursions, about illegal immigration, and then later this afternoon we will fold up our proverbial tent and go home. But people that live on the border will still be here.

And the question remains. What are we in Washington actually going to do to help both Laredo and communities like Laredo on this 2000 mile border with Mexico, and on the 3000 or so mile border with Canada and the ports around the country? I have found, since being in Congress, that there's a lot of talk, and talk is cheap, but very little action. What border residents want, and what all Americans want when it comes to border security is action.

With that, Mr. Chairman, thank you again for allowing me to participate in today's hearing. I look forward to hearing from other Members of the panel, as well as our witnesses.

Thank you very much.

[The prepared statement of Mr. Reyes follows:]

Statement of Representative Silvestre Reyes (TX-16)
House International Relations Committee
Subcommittee on International Terrorism and Nonproliferation
"Border Vulnerabilities and International Terrorism,
Part II"

Laredo, Texas

July 7, 2006

Mr. Chairman, I am pleased to be here to take part in this morning's hearing on border vulnerabilities and international terrorism. I am here in Ranking Member Brad Sherman's stead because he had a long-standing commitment in his district, but I appreciate his support and assistance in advance of this hearing.

I would like to thank you, Mr. Chairman, for allowing me to participate as a member of this panel along with my Texas Democratic colleagues. Though we do not serve on the House International Relations Committee, those of us who represent congressional districts in the U.S.-Mexico border region have a vested interest in the debate on border security, which is why we are here today.

I also serve on the House Permanent Select Committee on Intelligence and have years of firsthand experience in border security, and I appreciate having the opportunity to share some of these experiences with all of you. I look forward to hearing from members of the HIRC, my fellow Texas members, and the witnesses who have joined us today, several of whom I have had the pleasure of working with previously.

Before I go on, however, I would like to preface my remarks on the substance of today's hearing with a word or two about the process, or perhaps I should say the politics, that got us here.

While I have long believed that it is worthwhile for Members of Congress from other parts of our country to visit the border region and hear directly from people who live and work in these communities, the time for talk about border security has long since passed and the moment for action is now. In the nearly five years since the terrorist attacks of September 11, 2001, there have been countless investigations, hearings, and reports about how to secure our country, but far too little in the way of meaningful measures to keep America safe.

Instead of a traveling circus of field hearings that may make good politics but do little to advance sound policy, Congress needs to get back to work in Washington to reach a compromise agreement on comprehensive border security and immigration reform legislation.

With that said, I would like to share a bit of information about my background and my congressional district. Perhaps then it will be apparent why I feel so strongly about the need for meaningful border security improvements and why I am so frustrated by the Administration and the congressional leadership for their failure to secure our borders and curb illegal immigration, five years after 9/11.

I was born and raised in Canutillo, Texas, which is located near El Paso, Texas, on the U.S.-Mexico border. El Paso, along with its sister city, Ciudad Juárez, Mexico, comprise the largest metropolitan area on the U.S.-Mexico border. Today, I am honored to represent the people of the El Paso area in the U.S. House of Representatives. I commute to Washington, D.C. every week, but my wife, Carolina, and I still live in El Paso and we are proud to call it home.

Before being elected to Congress, I served for 26 ½ years in the U.S. Border Patrol, including 13 years as Sector Chief. I was Chief of the McAllen Sector, which is adjacent to the Laredo Sector where we are today, and later served as Chief of the El Paso Sector. During the course of my career, I patrolled the tough terrain of the United States-Mexico border region, supervised thousands of hard-working, dedicated Border Patrol agents, and did everything within my power to strengthen our borders and reduce illegal immigration.

Nobody understands America's borders or has a greater interest in securing our nation's borders than those of us who live and work along them every day. That is why since coming to Congress nearly ten years ago, I have lobbied my colleagues for greater resources for border security, including additional Border Patrol agents, equipment, and technology; more immigration inspectors and judges; and thousands of new detention beds so we can end the absurd practice of catch-and-release of other-than-Mexicans, or OTMs, once and for all.

I have also long supported providing the resources required to enforce immigration laws in our nation's interior, including tough sanctions against employers who hire undocumented workers. If it were harder for an undocumented worker to get a job, fewer of them would try to enter this country illegally, which would allow the Border Patrol to focus on those who may be trying to come here to do us harm.

Yet in every instance, the President and the leadership in Congress have failed to deliver these necessary resources, even though experts agree that another terrorist attack on our country is not a matter of if, but when.

For instance, the Intelligence Reform Act of 2004, often referred to as the 9/11 Act, called for 2,000 additional Border Patrol agents annually from fiscal year 2006 through fiscal year 2010, but Congress has fallen well short of providing that number. Time after time the Republican leadership has voted against efforts to fund the authorized number of agents, leaving Chief Rey Garza of the Laredo Sector and other Sector Chiefs like him around the country to do the best they can with not nearly as many agents as they need.

Similarly, the 9/11 Act called for 8,000 additional detention beds annually for five years, but far fewer have actually been funded. As a result, OTMs are still being released with nothing more than a notice to appear, not because the Border Patrol wants to release them, but because we have nowhere to detain them.

In total, Congress is 800 Border Patrol agents and 5,000 detention beds short of what was promised in the 9/11 Act. If the September 11, 2001 terrorist attacks did not convince the Administration and congressional leaders that border security and immigration must be a priority, what will?

So, this morning we are putting on a little show. There will undoubtedly be much hand-wringing and teeth-gnashing about Mexican drug cartels, border incursions, and illegal immigration. And then, later this afternoon, we will fold up our proverbial tent and go home. These people will still be here, however, and the question remains: "What are we in Washington actually going to do to help them?" Talk is cheap. What border residents want, and what all Americans want when it comes to border security, is action.

With that, Mr. Chairman, thank you again for allowing me to participate today. I look forward to hearing from the other members of the panel and our witnesses.

Mr. ROYCE. Thank you, Mr. Reyes. We're now going to go to Mr. Poe. In the interest of having more time, the Members will have 5 minutes each for each of our witnesses, but we're going to have 1 minute for opening statements.

Mr. Poe, if you would limit your opening statement to 1 minute.

Mr. POE. Thank you, Mr. Chairman. You know, folks from the South ought to get more than a minute. We talk a little slower than people in other parts of the country.

Mr. ROYCE. That's a minute.

Mr. POE. But it's an honor to be here. Thank you for holding this hearing. It's important that Members of Congress go to where the issues originate, rather than hear something up in the ivory tower of Washington, DC. That's why we're here on the border of Texas, that's why we were in San Diego earlier this week.

As a former judge in Houston for 22 years, I saw lots of outlaws, and my simple philosophy is the law is the law, and it's illegal to come into the United States without permission, and lawlessness on the border breeds lawlessness in the United States. Sheriff Flores said that a long time ago.

The primary concern at issue, and duty of government, is public safety. We have the government to protect us. The Federal Government's duty is to protect its citizens, and we are fighting terrorists half way across the world, we are protecting the borders of other nations as a Federal entity.

We ought to protect our own border. It's a national security issue to protect our borders from those who wish to do us harm.

Mr. ROYCE. We'll go to Congresswoman Sheila Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I associate myself with my Ranking Member Mr. Reyes. We always know that you participated with us in a bipartisan manner. But today we face a high noon at noon. Forty five steps, take your gun and shoot. That is not the American way.

There's not a Member on this panel that would argue of the importance of the gentlemen that sit before me, and the outstanding men and women who serve in the U.S. Border Patrol. I've walked the border day and night. I understand the responsibilities. But this is America, and what America is best at is not scapegoating innocent human beings who simply want an opportunity to be hardworking Americans. If this hearing had a focus on comprehensive immigration reform, I would say celebration. That is not the case.

I ask the President to again take to the bully pulpit, call the Members of Congress back to the United States House of Representatives and Senate, and stop the mockery and the foolishness, and begin to work on providing funding for detention beds, funding for more Border Patrol and ICE agents, and fighting for DEA and, yes, comprehensive immigration reform that creates a pathway to citizenship. Thank you very much.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

On June 29, 2006, Secretary of Homeland Security Michael Chertoff spoke to the American Enterprise Institute about the administration's progress in securing the border. According to Secretary Chertoff, in the last five years, Border Patrol agents

have apprehended and returned roughly six million people who entered this country illegally; and, since 2001, the Border Patrol has expanded its membership from slightly below 9,000 to over 12,000 agents.

Apprehending six million people entering the country illegally may not mean that the situation is improving. At a hearing before the Subcommittee on Immigration, Border Security, and Claims on May 25, 2006, the president of the National Border Patrol Council, T.J. Bonner, testified that our Nation's borders are undeniably out of control. According to Mr. Bonner, front-line Border Patrol agents estimate that for every person they apprehend illegally crossing the border, two or three slip by. Mr. Bonner claimed that, therefore, in addition to the more than a million people who are caught attempting to cross our borders illegally every year, another two or three million may be evading apprehension.

Increasing the Border Patrol from below 9,000 to more than 12,000 agents may not be an occasion for optimism either. The United States Border Patrol patrols more than 8,000 miles of United States international borders, including the roughly 2,000-mile Southern and the 4,000-mile Northern borders. Assuming three shifts to maintain 24-hour, seven days a week security, 12,000 Border Patrol Agents would permit roughly 4,000 agents for each shift. If they all were deployed along the 2,000 mile Southern border, we would average two Border Patrol agents per mile. In fact though, they have to be distributed over a distance of more than 8,000 miles.

Of course, the Border Patrol agents are not spread evenly across the entire border. They are placed at strategic locations, but this causes a shift in the illegal crossings from the populated areas to more desolate areas where crossing is more difficult and more dangerous. Secretary Chertoff indicated that when people are forced to endure difficult challenges in crossing the border, it means that we are discouraging them from coming by closing off the easier routes. He said that the Department of Homeland Security (DHS) would continue to put additional boots on the ground, build fences, and improve technology to make it harder and harder to enter the U.S. illegally. He expects this to provide us with one good measurable way of seeing what our success is.

It is true that making it more difficult to cross will discourage some people, but many will come regardless. Border security must cover the entire border, not just strategic locations. Shifting the crossings to more isolated areas, such as the deserts, results in deaths from dehydration and starvation. A spokesman for No More Deaths, a Tucson-based human-rights organization that is attempting to end the migrant desert deaths, has referred to the border as a war zone filled with violence that destroys families. Joe Nevins, the group's spokesman, indicated that an increase in unidentified bodies is an example of how families are torn apart. According to Mr. Nevins, the worst part is that some bodies are never found. Their families never have the peace of mind of knowing what happened to them.

Secretary Chertoff said that the President plans to increase the number of agents to more than 18,000 by the end of 2008. In contrast, my Rapid Response Border Protection Act, H.R. 4044, would require the addition of 15,000 Border Patrol agents over the next five years, increasing the number of agents from 12,000 to 27,000. H.R. 4044 also would require the Secretary of the DHS to respond rapidly to border crises by deploying up to 1,000 additional Border Patrol agents to a State when a border security emergency is declared by the Governor. It would crack down on the problem of fraudulent documents used to enter unlawfully and remain in the United States by adding specialized enforcement agents and establishing cooperative mechanisms with State and local law enforcement agencies. And, it would provide critical equipment and infrastructure improvements, including additional helicopters, power boats, police-type vehicles, portable computers, reliable radio communications, hand-held GPS devices, body armor, and night-vision equipment.

The problem bearing most directly on the possibility of terrorists crossing the border illegally is the catch-and-release policy for aliens who are other than Mexican. They are referred to as "OTMs." Mexicans who are apprehended after crossing the border illegally can be returned to Mexico. The OTMs, however, cannot be returned to Mexico. Mexico only accepts its own nationals. The OTMs must be returned to their nation of origin, which takes time to accomplish. Many of them have had to be released for lack of detention facilities. As terrorists seeking admission to the United States without an inspection probably would be OTMs, the catch-and-release practice makes it easier for them to enter the United States.

According to Secretary Chertoff, over the last few months, the administration has begun the process of moving from catch-and-release to catch-and-remove. He claims that this has been achieved by adding beds, which includes the 4,000 additional beds in the supplemental, and radically decreasing the time it takes to remove someone at the border through a mechanism that is known as "expedited removal proceedings."

It is not apparent that the administration has the will or the ability to increase detention facilities enough to end the catch-and-release practice. The use of expedited removal proceedings will shorten detention periods, but it will not eliminate them. President Bush's projection is that expedited removal proceedings will produce detention periods that average 32 days, which still would require a substantial detention period. My Rapid Response Border Protection Act of 2005, H.R. 4044, would provide for 100,000 additional detention beds. With an increase on that level, it would be possible to detain all of the OTMs who are flight risks or are dangerous.

We also have serious problems at the ports of entry where inspections are conducted by the Bureau of Customs and Border Protection (CBP). This is illustrated by a border security report the General Accountability Office issued on Wednesday of this week. In preparation for an undercover investigation, a GAO investigator purchased small amounts of radioactive sources and transport containers from a commercial source over the telephone. The objective of the investigation was to determine whether the radiation portal monitors at the U.S. ports of entry on the Southern and the Northern borders would detect radioactive sources transported in vehicles attempting to enter the United States.

When the investigator was talking to the commercial supplier, he claimed that he was an employee of a fictitious company located in Washington, D.C., and said that the reason for his purchase was to use the radioactive sources to calibrate personal radiation detection pagers. The investigator's explanation was not challenged. Suppliers are not required to determine whether a buyer has a legitimate use for the radioactive sources, nor are they required to ask the buyer to produce a document from the Nuclear Regulatory Commission (NRC) authorizing them to receive, acquire, possess, and transfer radioactive sources unless large amounts are involved.

The radiation portal monitors at the Southern and the Northern borders detected the presence of radioactive material when the two teams of investigators sought admission to the United States. The investigators, however, successfully represented themselves as employees of a fictitious company and presented counterfeit bills of lading and counterfeit NRC documents during secondary inspections at both locations. The CBP inspectors never questioned the authenticity of the investigators' counterfeit bills of lading or the counterfeit NRC documents. The investigators were able to enter the United States with enough radioactive sources in the trunks of their vehicles to make two dirty bombs.

Although it is apparent that DHS is making substantial efforts to secure our borders, the borders are not secure yet and we may not have much time left to secure it if we want to prevent the occurrence of another major terrorist attack.

Thank you.

Mr. ROYCE. Congressman Henry Bonilla.

Mr. BONILLA. Thank you, Chairman. I represent more of the border than any Member of the House of Representatives. My area goes from here to the edge of El Paso. I'm proud to say that although there is a lot more work that needs to be done, starting back in the '90s when Phil Gramm was still senator, we worked very hard to double the number of agents, to build more Border Patrol facilities.

The most recent one we did of course was the checkpoint here in Laredo. Again, we know we need to do a lot more, but I have seen firsthand over and over again, with the sectors that I have in my area, Laredo, Del Rio, and Marfa, of the hard work that you all do as agents, and I'm looking at the agents directly here, and how difficult some of the policies that we've had implemented lately have made your job harder, specifically the catch and release program that Mr. Reyes referred to is one that I completely agree with him was ridiculous, and it needs to be changed all across the border.

So we do need to do more. I believe my sheriffs, I believe my Border Patrol agents, I believe my ranchers who say they can't even check on their cattle anymore without having an armed guard if they live near the border. So border security needs to be first and foremost, underlined and bolded, the priority that this nation fo-

cuses on, and it is the subject that elicits more passion, whether you're in New York, Colorado, Laredo, or in any place in California, and that is what we intend to do.

Mr. ROYCE. Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Chairman Royce. I want to thank you and ranking Member Sherman for inviting Members not on the Committee to participate in these proceedings.

Frankly, I am troubled by the false promise of these proceedings. Today we have witnesses from our law enforcement community along with the border pleading for additional assistance, asking for manpower, detention space and technology to secure our border. This room is filled with border residents who are frustrated with our broken immigration system, a system that separates families and creates an underground economy. A system where terrorists could seek cover among hardworking immigrants seeking a better life for their families.

Our border communities want comprehensive reform. We want laws that are fair and work. This hearing will do nothing to secure our borders, north with Canada or south with Mexico and Central America.

The definition of a terrorist is someone who comes to the United States wanting to destroy our country. The definition of an immigrant is a group of people who come to work, and work hard, to help us continue the prosperity that we have enjoyed the last 15 years.

[The prepared statement of Mr. Hinojosa follows:]

PREPARED STATEMENT OF THE HONORABLE RUBÉ HINOJOSA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF TEXAS

I would like to thank Chairman Royce and Ranking Member Sherman for inviting members not on the committee to participate in these proceedings. I would like to commend them for maintaining a collegial and bipartisan approach to their subcommittee's work despite the challenges.

Although I believe that these hearings are more about election-year politics than border security and immigration policy, I am pleased to be here to give voice to my border-region constituents who live on the front lines of our broken immigration policy.

Frankly, I am troubled by the false promise of these proceedings. Today, we have witnesses from our law enforcement community along the border pleading for additional assistance—asking for manpower, detention space, and technology—to secure our border.

This room is filled with border residents who are frustrated with our broken immigration system—a system that separates families and creates an underground economy—a system where terrorists could seek cover among hard-working immigrants seeking a better life for their families. Our border communities want comprehensive reform. We want laws that are fair and that work.

This hearing will do nothing to secure our borders—north or south.

It will do nothing to move us toward comprehensive immigration reform. This subcommittee has no jurisdiction in these areas.

If the majority were serious about border security and immigration policy, they would not be holding show hearings. Instead, they would be hard at work negotiating an immigration bill. The House passed a bill. The Senate passed a bill. Now is the time to negotiate and compromise to produce a final product. That is how our legislative process works.

It requires a good faith effort to produce the right policy to serve our nation.

Good faith is in short supply.

In the wake of 9/11, the majority has consistently blocked Democratic efforts to increase resources for border security. Just a little over one month ago, the majority turned back an amendment offered by my good friend and colleague Mr. Reyes to the Homeland Security Appropriations bill that would have added \$2.1 billion for border security.

Today, Republicans are blocking real action on immigration by holding these field hearings instead of heading to the negotiating table as the legislative process requires.

I would like to thank all the witnesses for participating in this hearing. I share your frustration with the status quo. Our border communities and our nation deserve better.

Thank you and I yield back.

Mr. ROYCE. I'm going to take a moment here to explain that this is a field hearing, and as a field hearing we operate under certain rules. Just a minute. Just a minute.

When we get to our witnesses, it would be very disconsiderate to them to have outbursts of emotion from the audience. So I'm going to ask you, once we get to our panels of witnesses I will just ask the audience to please respect the rules that we have in the House for field hearings. All right? I think everybody can do that, and afterwards we can all have whatever types of discussions we'd like.

We're going to go to Mr. King and then to Mr. Gonzalez.

Mr. KING. Thank you, Mr. Chairman. I appreciate the hospitality here in Texas. This is my fourth trip to the border in the last several months. I'm from Iowa, I represent the western third of the State, but I also sit on the Judiciary Committee, and the Immigration Subcommittee. So these hearings are nothing new to me, it's an every week event in Washington, DC, for those of us on that Committee.

I would ask this question. We have, since weeks after September 11th, presumed that an 80-year-old greatgrandmother, who was seeking to board a airplane legally was a terrorist until we happened to put her through the metal detector, and perhaps spread-eagle search her. But we've been presuming that 4 million people coming across the border illegally didn't contain within that universe of people terrorists or criminals.

That is the big dichotomy that we're dealing with here, and we need resources to do it. But I would say operational control of the border needs to be defined very tightly, and for me that is all human traffic coming through the ports of entry, and then focusing our resources there.

Thank you, Mr. Chairman. I yield back.

Mr. ROYCE. Thank you. Mr. Gonzalez.

Mr. GONZALEZ. Thank you, Mr. Chairman. First I would ask unanimous consent to allow me to file as part of the record of today's hearing a letter from the San Antonio Hispanic Chamber of Commerce, outlining their position on the legislation pending in Congress today.

Mr. ROYCE. Without objection, Mr. Gonzalez, we'll do that.

Mr. GONZALEZ. Thank you. I know that I only have a few seconds. This issue has the real potential for dividing this nation. The Chairman has started off and prefaced this hearing by saying that this is about policy. We question that and we're hoping that we're wrong. We're hoping that this is nothing more than a political exercise.

If we do that, just by the response that we're getting from the audience, you can see how we will divide this nation. There has to be a way that we address the concerns of everyone that is present, and the only way to do that is to secure our borders in a responsible way, but also look at the economic interests of this nation,

and the communities throughout the nation that depend on the labor force that is represented by the 12 million undocumented workers and their families, and the need for a guest worker program.

We need to have a realistic approach. I'm hoping that at the end of this hearing we have made some progress to bring the sides together. Now, I hope that's not wishful thinking.

Mr. Chairman, that is truly my wish and I hope that we accomplish that today, and I yield back.

Mr. ROYCE. Thank you. We'll go to Mr. Marchant.

Mr. MARCHANT. Thank you, Mr. Chairman.

Mr. ROYCE. You get close to that microphone I think you'll see it works.

Mr. MARCHANT. Thank you, Mr. Chairman.

Mr. ROYCE. But not very well.

Mr. MARCHANT. Thank you, Mr. Chairman for having these hearings. I'm from a district that is in Tarrant and Dallas county. I appreciate the opportunity to be in Laredo today. I appreciate all of the hard work the Border Patrol does. I'm one Member of Congress that is sincerely interested in providing you with the funding and the tools that you need to protect our borders, and I'm here today for that purpose.

Thank you very much.

Mr. ROYCE. Thank you, Mr. Marchant. We'll go now to our first panel.

Mr. REYES. Mr. Chairman, could I make a unanimous consent that Members' full statement be allowed for the record, as well as other Members' that were not able to attend the hearing?

Mr. ROYCE. Without objection, Mr. Reyes, and you make a good point here also.

Mr. REYES. Thank you.

Mr. ROYCE. Our witnesses' statements will also without objection be fully in the record.

We're going to ask our witnesses to abbreviate their testimony to 5 minutes, and to proceed. We're going to go first to Mr. Reynaldo Garza.

His Border Patrol career spans over 30 years. In June he was named Acting Chief Border Patrol Agent for the Border Patrol's Laredo Sector. Until last month Mr. Garza was the Deputy Chief Patrol Agent of the Rio Grande Valley Sector.

Mr. Garza began his Border Patrol career in the Laredo Sector back in 1975. Thank you, Chief Garza, for appearing before the Subcommittee.

Next to Chief Garza is David Higgerson, the Customs and Border Protections Acting Director of Field Operations and Border Protection for the Laredo Sector. Mr. Higgerson will not be presenting testimony, but he's available if any Members have additional questions.

So, Chief Garza, if you would proceed.

Mr. GARZA. Thank you, Chairman. I'd like to request that Deputy Chief Vittorio Ramirez be allowed at the table here during this.

Mr. ROYCE. Without objection we're going to have Mr. Ramirez here as well.

Mr. GARZA. Thank you. I appreciate it.

Mr. ROYCE. If you'd pull the microphone a little closer to you. Thank you, Chief Garza.

STATEMENT OF MR. REYNALDO GARZA, ACTING CHIEF PATROL AGENT, LAREDO SECTOR, OFFICE OF BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. GARZA. Yes, sir, thank you.

Chairman Royce, Ranking Member Reyes, and distinguished Members of Congress.

It is a privilege and an honor to appear before you today to discuss our latest efforts along the border, including the role the National Guard will play in assisting the Department of Homeland Security, and especially the United States Customs and Border Protection in our mission of securing our nation's borders.

DHS and CBP remain steadfast in our commitment to gain control of our borders, and the announcements in May by the President will move us rapidly forward on that commitment. Let me first state that National Guard support of, and coordination with DHS, and the Border Patrol, is nothing new.

While this new infusion will be on a much larger scale, the Border Patrol has a history of nearly two decades working with National Guard units to utilize their unique expertise, workforce technology, and assets in support of our mission, and as a force multiplier. Today there are currently hundreds of National Guard troops assisting DHS, primarily in our counter narcotics mission.

CBP acts as the guardian of our nation's borders, safeguarding the homeland by protecting the American public against the entry of terrorists, and the instruments of terrorism, while enforcing the laws of the United States, and fostering the nation's economic security through lawful travel and trade. Within CBP's larger mission the Border Patrol's time honored duty of interdicting illegal aliens and drugs, and those who attempt to smuggle them across our borders between the ports of entry, remains a priority. The nexus between our post September 11th mission and our traditional role is clear.

Terrorists and violent criminals may exploit smuggling routes used by migrants to enter the United States illegally and do us harm. Reducing illegal entries across our borders is now more than ever a matter of national security.

Since 2001, border security funding has increased by 66 percent, and the Border Patrol has increased its manpower to over 11,000 agents. Since 2001, the Border Patrol and DHS components have apprehended and returned more than 6 million people entering America illegally. In fiscal year 2005 alone the Border Patrol apprehended nearly 1.2 million undocumented aliens attempting to enter the United States illegally.

Despite the progress we have made, we do not yet have control of our border. This is evident by the fact that as of June 1, 2006, there have been 527 violent incidents between the ports of entry, 57 such incidents at the ports of entry, and three in the CBP air and marine environment this fiscal year.

Examples of violence includes aggravated assaults, vehicle assaults, and rockings. Furthermore, during the same period of time,

the Border Patrol has documented 177 incidents of bandit activity in fiscal year 2006, 81 percent occurring near Yuma, Arizona, and we have arrested 237 gang members, including 172 Mara Salvatruchas, otherwise known as MS-13.

To secure operational control of the borders, President Bush has announced a plan to increase the number of Border Patrol agents by 6000, by the end of 2008. This will bring the total number of Border Patrol agents to over 18,000, doubling the number of agents since the President took office in 2001. These additional agents will serve as a tremendous resource in combating violence and the organizations that prey on innocent people on both sides of the border.

We recognize the challenges that lie ahead. Our goal is nothing less than to gain, maintain, and expand operational control of our nation's borders through the right mix of personnel, technology, and tactical infrastructure. The assistance of the National Guard and our Federal, State, local, and tribal law enforcement partners will greatly enhance our ability to effectively and efficiently protect our nation's borders. The men and women of the United States Customs and Border Protection face these challenges every day with vigilance, dedication to service, and integrity as we work to strengthen national security and protect America and its citizens.

I would like to thank you for the opportunity to present this testimony today. I look forward to responding to any questions that you may have.

[The combined prepared statement of Mr. Garza and Mr. Griffen appears in Part I of this hearing—June 5, 2006.]

Mr. ROYCE. I thank you very much. Congressman Reyes and Congressman Henry Bonilla and others have worked to increase resources for the Border Patrol, not without some measure of success. From 1995 on, the number of Border Patrol agents has gone from 5000 to 12,000.

The amount spent on border security in total has gone from \$1.2 billion to \$12.7 billion. A lot of that represents investment in technology, some of which we have seen on our tour down here.

One of the questions I was going to ask was if you could focus specifically post-9/11 on your resources. When did your video communication center become operational? We had a chance to take a look at that last night. I think that all of us agree that despite the increase of resources, more are needed because there is chaos in some parts, some sectors of the border, and maybe you could speak to those issues, Mr. Garza.

Mr. GARZA. Thank you. You're correct, Chairman.

We have had an increase since 2001, as I've stated here, that has allowed us to control a little bit more of our border, not to the extent that we'd like to see. You viewed the command center and our remote video surveillance center last evening, but that is coverage for only a very small percentage, maybe 25 percent of just this sector, and I'll speak directly about the Laredo Sector during this time. A significant increase here in manpower and personnel infusion here into Laredo Sector, the command center, remote video surveillance came onboard approximately 2 years ago. A great force multiplier. And those type of assets need to be spread throughout the entire length of this border, especially in this sector, but the entire length of the southern border.

Mr. ROYCE. Let me ask you another question. How well do we understand the drug cartels and the smuggling networks, and their possible links to terrorism? I cited some of the testimony earlier from our intelligence community.

9–11 Commission staff tell us Khalid Sheikh Mohammed indicated that he had a keen desire, he was the mastermind of 9/11, he had a keen desire in moving people over the border. We had Zarqawi, when he was alive, there were reports from his lieutenants of his interest in exploiting the ports of entry.

How concerned are you about the drug cartels and smuggling networks, and the possible link to terrorism should someone come up with the cold hard cash to pay those networks to find ways into the United States?

Mr. GARZA. We're very concerned. We have, as you stated earlier, the number of countries from which people come, other than Mexico, that are apprehended by the Border Patrol. This sector here apprehended people from almost 70 different countries last year.

The intelligence network here in the United States, Border Patrol, other Federal agencies, the cooperation we have with State, local, other Federal, and of course our partners in the military, have helped us get a good grasp of things around the world through sharing of information. Sad to say it took 2001 for that to come about, but we've been very productive in that area in coming together and getting the assets together and getting the information.

The cartels, or smuggling organizations that are not known as cartels, all smuggle the same type of contraband, and all kinds of contraband. It's not specific to any one. Because of that, because they have large amounts of funding available to them, especially the narcotics cartel, yes, there is an opportunity for them to infuse these type of persons that would do America harm, into the smuggling organizations, whether it be a drug load or a human trafficking load.

Mr. ROYCE. The last question I was going to ask you is later today the Subcommittee will hear from the Government Accountability Office. We'll hear from the agent who was tasked with checking the system. He successfully brought a dirty bomb, or material for one. He bought it and then brought it over both borders, northern and southern. What steps have been taken to improve the security of our borders from that kind of a threat?

Mr. GARZA. Post-9/11, CBP and Department of Homeland Security when it stood up, began anti-terrorism training, and weapons identification for all employees in Federal law enforcement. Every agent in the Border Patrol is trained and now receive it at our Academy before they even come to the field.

We know it's critical, we know that we need the equipment. We have received the equipment here. It does exist in our sector and every sector in the Border Patrol to detect, and once detected referred to the organization that helps us to find out whether it is a positive or negative by way of doing us harm.

We have had several alerts. Our agents are outfitted with this type of detection. They fortunately have all been 100 percent negative, and 95 percent of those were for medical reasons.

Mr. ROYCE. Thank you, Mr. Garza. We'll now go to Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman.

[PA system problems.]

Mr. ROYCE. This may be advantageous for the witnesses, but not for the Members today.

We're going to direct Congresswoman Sheila Jackson Lee not to move a muscle from here on out.

Congressman Reyes.

Mr. REYES. Thank you, Mr. Chairman. Chief, good to see you again. I've got to get some questions in, and some stuff on the record, so forgive me if I'm a little abrupt in stopping you, but you made mention that the President wants to increase the strength of the Border Patrol by 6000, by the end of 2008. Are you aware of how many agents are going to have to be hired in order to accomplish that?

Mr. GARZA. Yes, sir, our target is 8800 to bring into the queue to get 6000 out in the field.

Mr. REYES. As a chief you're got to be concerned about the ratio of experiences to inexperienced agents. Is that a reasonable target to expect? Is that going to stress out the capability of the chiefs to be able to effectively supervise that kind of an increase, because with 8800, you've got about 11,000 or so onboard now, that's almost one for one.

What kind of an impact is that going to have and do you have any concerns about that ratio?

Mr. GARZA. We have put into place, of course the Academy is being staffed to bring them onboard, but in the field, with the field training officers, with having the agents that—well, we've geared up over the years because we had an influx once before, not to this extent, between 1000 and 1200, and being spread throughout the sectors is the way we're going to infuse them, not just to a specific sector of nine sectors.

Mr. REYES. But it still will be pretty close to a one to one ratio which, again based on my 12 years of experience as a chief, would be a concern to me. Would that be a fair statement?

Mr. GARZA. Yes, sir.

Mr. REYES. Thank you. The other thing, Mr. Chairman, I would ask unanimous consent to include in the record of this hearing the testimony of Chief David Aguilar before the House Armed Services Committee, where he addressed the 8800 and the concerns that I just addressed.

Mr. ROYCE. Without objection.

Mr. REYES. Thank you, Mr. Chairman.

Chief, have you heard any reports of al-Qaeda training camps anywhere here on the Mexican side?

Mr. GARZA. Negative. No, sir.

Mr. REYES. You've never been approached by any information from any individuals or any other sheriffs in the Rio Grande Valley or Laredo?

Mr. GARZA. I have not since I've served in either one of these two sectors, Chief. Or Congressman.

Mr. REYES. How about Mexican military incursions, do those occur, and can you from your experience tell us how some of these cartels try to infuse narcotics into this country by either painting

vehicles to resemble sheriff's departments or Border Patrol vehicles or IBWC trucks and stuff like that? Is that pretty common?

Mr. GARZA. That does occur. The vehicle incident was out west, it wasn't in my sector, but in my home sector and in this sector here, there have been such incursions that we have encountered people in military style uniforms. It was not verified that they were then employed by the military service in Mexico, but we did talk to, of course made immediate contact with the Mexican Government, and the way we have encountered them and taken them into custody, just like we do anyone else as far as processing. However, because of the interest in how they're being utilized, these folks who have been trained and now have defected from the Mexican military, they've been trained so we also work with the State Department in order to resolve those issues.

Mr. REYES. All right, thank you. Then it's a fair statement, based on what the concerns that you've heard on both sides, here today and concerns from your statement, that resources is an important part of what it's going to take to secure our border. Is that correct?

Mr. GARZA. Yes, sir.

Mr. REYES. Well, it would be interesting, and I want to get this into the record that over the course of the last few years there have been a number of efforts, particularly on the Democratic side to increase resources for Border Patrol and border agencies, not just Border Patrol and not just Customs, but also U.S. Attorneys, U.S. Marshals. In fact, I tried to get a motion to recommit on the very bill that we're having hearings on, the Sensenbrenner Bill, in December last year, authorizing 3000 additional Border Patrol agents for a total of 12,000, new training facility to expand capacity, an increase in pay for agents, an increase in intelligence resources, required Border Patrol's and security strategy nationally, and another list that addressed all of the things that from my experience needed to be done. Yet, when it came to the vote on 219 Members of the Republican side, all opposed the motion to recommit.

The point I'm trying to make is that resources are continuously an issue because of the expense. We have to put our money where our mouth is if we're going to get an opportunity to realistically address this issue, Mr. Chairman, so I thank you and I yield back.

Thank you, Chief.

Mr. ROYCE. Just by way of explanation on the motion to recommit, the underlying bill attempted to do something about holding people in detention facilities for on average 90 days. So the underlying bill, the House bill, was moving with mandatory detention, expedited removal. It also changed the law with respect to repatriation sanction and authority, so that people, especially OTMs who were in the country, could not go from judge to judge, appeal to appeal.

So what the bill had tried to do was change these rules to solve that problem. The recommittal motion did not address these issues that were in the underlying bill, and the recommittal motion is a motion to send it back to the Committee with these instructions. So for the vote that day, the question was whether we solved these other problems which were in the underlying bill, or whether we moved toward the recommittal motion. So I'm just giving the other side for explanation of that vote.

We'll go to Mr. Poe for his 5 minutes, and then Congressman Sheila Jackson Lee.

Mr. POE. Thank you, Mr. Chairman. I want to thank you for being here, Chief. Long time supporter of law enforcement, or the Po-lice as we call it. And appreciate especially the troopers on the ground who do the work to protect us. I admire you for that, and it's good to have Federal and State and local officials here.

Concerned about a couple of things. Concerned about the policy you receive from Mt. Olympus, from Department of Homeland Security, and what your troopers actually do, and if there is a disconnect between that.

Specifically what is the policy if you have a military incursion? And first I'm concerned about, we assume that these are people, as the chief has said, head of Homeland Security, that they're just playing dress-up as military individuals, but they're really drug cartels or whatever. I don't know why we assume that, but what is the policy that you have to follow when you see what looks like a military intrusion into the United States? What is the policy? What do you do?

Mr. GARZA. Of course knowing what has transpired, the incidents that have taken place, our policy within the sector and all sectors of course is we deal with office safety training, so we have discussed that with all our agents who go to the line who would experience something like this, and how to engage, or be sure to have proper backup before they actually encounter and go forward.

Mr. POE. What do you do, do you shoot, do you take cover, do you call the Marines? I mean what do you do? What is the policy?

Mr. GARZA. If they make an entry into the United States, on this side of the border, we will take them into custody like we take anyone else into custody. But we'll take proper precautions. We know the background, we have intelligence on what they're capable of doing, and of course that would take additional type of law enforcement ingenuity and training to approach those people versus someone who we know may be just coming across unarmed, and coming here to work.

Mr. POE. Do you notify the Mexican Government before you take any type of action?

Mr. GARZA. Yes.

Mr. POE. Why do you do that?

Mr. GARZA. Well, if the action is delayed, if the actual crossing is delayed, we would want to have them respond to that area, and hopefully they won't make the crossing at all. And we do have partners on both sides—

Mr. POE. I'm talking about on this side.

Mr. GARZA [continuing]. Mexican immigrations—

Mr. POE. You find them on this side, they look like military, you know, looks like a duck, kind of walks like a duck, what do you do? Do you notify the Mexican Government first? Do you take action? Do you call for backup? What do you do?

Mr. GARZA. No, our first contact would be with our intel office, who would vet them as we would anyone else to make sure—try to find out who they are, and of course once determining that, we would contact the south side if in fact they were active members

of any force there, and of course that would be done through the State Department.

Mr. POE. Shortly after March 31st, it's been reported that the border agents in Hebbronville, Texas detained individuals who were found to have in their possession certain naval nuclear training maps, camouflage, GPS equipment, numerous weapons. Can you speak to this issue and what happened?

Mr. GARZA. No, sir, I'd have to get back to you on that. I'm not familiar with that, when that took place.

Mr. POE. You hadn't heard that at all?

Mr. GARZA. I did hear about it, sir, but I was not in this sector when that occurred.

Mr. POE. Did you hear what the Border Patrol did with that information?

Mr. GARZA. No, sir.

Mr. POE. So nobody knows what the Border Patrol did with that information?

Mr. GARZA. Well, sir, I'm sure someone does here in the sector. I'm just not privy to that information at this time.

Mr. POE. Who would be?

Mr. GARZA. I can get that back with you.

Mr. POE. Who would know about what happened with that information that was recovered?

Mr. GARZA. We would have to get from the agent in charge at that particular station, Congressman.

Mr. POE. Would that not concern you?

Mr. GARZA. Sure.

Mr. POE. I'm not asking you what you did, but wouldn't you be concerned about the GPS equipment, maps of naval installations in the United States, being strewn or found on a path into this country?

Mr. GARZA. Most definitely. While not knowing what took place, I know there is a policy in place should they encounter any of that within our sector. Our agents would report that up the chain of command. There would be a proper conclusion that particular case, and all efforts would be made to find out exactly why and what the purpose of that was.

Mr. POE. Tell me how many border agents do you need on the border. We hear about 8800 is how many to get 6000. How many do you need on the Texas border, or from Brownsville to San Diego?

Mr. GARZA. Well, begin by saying that actually we need a proper mix of a lot of things, personnel, tactical infrastructure, and technology. Our goal here, actually in my own sector, I can——

Mr. POE. Pick a number.

Mr. GARZA [continuing]. Speak to that——

Mr. POE. I'm sorry, I just have——

Mr. GARZA [continuing]. Is 2200.

Mr. POE [continuing]. A little bit amount of time. How many border agents would you like to see in a perfect world appropriated to protect the southern border?

Mr. GARZA. Without nailing down a specific number, we have always talked about in excess of 20,000.

Mr. POE. Thank you, Chief, appreciate it. Thank you, Mr. Chairman.

Mr. ROYCE. Congresswoman Sheila Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. We started out by acknowledging the fact that your leadership in the Congress is certainly bipartisan leadership, and I want to make that clear as I begin my questioning.

I do think it's important for the audience to know that those of us who have been seriously working on this issue hope, and maybe even pray, that when we return to Congress that we will truly give you answers. As my good friend and colleague has mentioned, who serves on the Judiciary Committee with me, we have been addressing these questions for a very long time. I serve as the Ranking Member on the Immigration Subcommittee, and a Member of the Homeland Security Committee.

It dismays me to tell you that this particular Subcommittee really has no jurisdiction over the issues that you are confronting as we speak. This is a Committee that addresses the question of foreign policy in the State Department, and I would hope when they go back to Washington they will engage with the number of nations what we interact with, Canada and Mexico, so that we can have true partnerships on these questions.

I would like to submit into the record H.R.—

Mr. ROYCE. If the Congresswoman would yield for just a moment.

Ms. JACKSON LEE. I'd be happy to yield as long as my time is not taken.

Mr. ROYCE. Well, let me just explain that the Subcommittee on International Terrorism and Nonproliferation most certainly has jurisdiction over the question of criminal activity, which would include threats to our national security, the potential of having nuclear material come over the border, the potential of having jihadists or others who would do us harm entering the United States, and in fact we have held over the years a number of hearings on just this issue. It is particularly advantageous to us to get the testimony from the investigators who have smuggled in nuclear material—

Ms. JACKSON LEE. Reclaiming my time.

Mr. ROYCE [continuing]. To get the testimony—just one moment—from the local law enforcement on the border, including the border sheriffs in terms of the challenges they face.

Ms. JACKSON LEE. Well, let me just say that I'm delighted, and I thank you, Mr. Chairman, for holding my time, I'm delighted that you were seeking new information. Your jurisdiction relates to issues dealing with the sovereign nations, not in being able to fix the problems of Border Patrol agents, and those who are at ports of entry. I welcome you being here.

But the reason why I make the point is because we want hard work here. We want heavy lifting. We want us to be able to go back to the United States Congress and look Mr. Higgerson in the eye, Mr. Garza, Mr. Ramirez and say, "You know what, on the basis of this hearing we are correcting some of the ills that now occur."

With that in mind, Mr. Chairman, I'd like to ask unanimous consent to put a summary of the Rapid Response Border Protection Act of 2005 in the record.

Mr. ROYCE. Without objection.

Ms. JACKSON LEE. And also I would like to put in information from the Sisters of Mercy, which I'm holding in my hand, which if the House bill went into effect, the Sisters of Mercy would become felons. I assume Mr. Garza would then have to arrest them. And so I would hope that we would be able to put those materials in. I ask unanimous consent.

Mr. ROYCE. Without objection.

Ms. JACKSON LEE. Let me, to Mr. Garza and his team that's here today, indicate that the bill that I just offered to put in is yet to get a hearing. If it got a hearing you would have 27,000 Border Patrol agents, a bill that I authored and Mr. Reyes joined me, and it had to do with adding 15,000 Border Patrol agents, well trained.

Mr. Garza, give me the distinctiveness of Border Patrol agents in terms of their knowledge about this process of illegal entry, meaning the individuals that you encounter, you have the distinctive training to be able to detect, along with intelligence, who is coming as an economic immigrant seeking to reunite with a family member, versus a terrorist. You've been given sort of the training but not only but the equipment that you need on that.

Mr. GARZA. Yes, ma'am, it's unlike any other law enforcement actually in the world. Have to have them learn a language. Of course all our first time agents come to the southern border, so naturally the need to have command of the Spanish language.

But the Immigration and Nationality Act, which they must all learn, and of course everything has to do with being a law enforcement officer. But specific to the Anti-Terrorism Act, and all the training that would be required to enforce that particular law, yes, it's varied.

It's unlike any other enforcement agency, and of course then once they come to the field the experience that they get day in and day out of the people who come across, and to be able to distinguish between an economic migrant and a criminal, is something they acquire very rapidly because of sheer numbers.

Ms. JACKSON LEE. And obviously I think because of price in your profession, you would argue the point that randomly assigning various untrained individuals might make your job even more difficult?

Mr. GARZA. Referring to?

Ms. JACKSON LEE. Untrained, you just indicated that the length and the depth of the experience and how important it is for being at the border to secure America. Some untrained, unassociated elements trying to help you would not give you greater assistance without this training.

Mr. GARZA. As far as Border Patrol, what we do, the type of patrol and the people we encounter within the immediate border area, that's true.

Ms. JACKSON LEE. How many years of training have you had?

Mr. GARZA. Well, I have 30 years, over 31 years of experience.

Ms. JACKSON LEE. That's all I want to get. Thirty-one years, and then you are, if you would, you understand the distinction between those economic immigrants and those who may be coming to do us actual harm?

Mr. GARZA. Yes, ma'am.

Ms. JACKSON LEE. I yield back.

Mr. ROYCE. We'll go to Congressman Henry Bonilla.

Mr. BONILLA. Thank you, Chairman. Chief, you may know a year ago, this is not a partisan issue as you know. The Governors of Arizona and New Mexico declared a state of emergency along the southwest border. In September of last year a bipartisan letter was sent to the President, declaring a state of emergency. House Members, the letter was signed, by my recollection, every Member that's on this panel, from the Chairman and to his left, with the exception of Ms. Jackson Lee. Also, because of the great concern we have, again in a bipartisan way for what's happening along the border.

It is a great frustration to many of us that we have seen the detailing of agents out of Texas, and we stated that very clearly. We are at odds with our Executive Branch on this, and I know that you can't be critical of your chief, because it's probably coming from a higher level than Chief Aguilar, but we have tried very hard to get those agents back.

As many OTMs, as the drug problem persists down here, it is just appalling that we have had to detail up to 200 agents at one time with all the sectors across the State, from Brownsville to El Paso, to another State, because they somehow feel that the problem is more pressing here.

What can you tell us about that?

Mr. GARZA. We, as an individual sector and of course I served in two here recently in South Texas, never served in the western part of the United States except in very short term, but if you look at the overall issues and problems and the idea, I know that the anti-terrorism issue is a big issue, and that's irregardless of where you are, southern border or northern border. However, the Border Patrol has to look at what's affected immediately to certain parts of the border, and by that the effects being the number of crossings, the type of crossings, what exactly is coming through by way of whether it be narcotics load, or any other threat which we have gathered through intelligence.

And for that reason the detailing out of agents from other sectors to a place, such as Arizona as we are doing now, is done after a lot of consultation with people on the ground, the chiefs that are working there. Now, they have taken—

Mr. BONILLA. Well, Chief, with all due respect, I know you're defending the decisions that are made at a higher level, but we have to know the truth about how harder that's making your job, because the incursions here are not diminishing. So unless you have something new to add, with all due respect, about how hard, I'd like to just know how it makes the job more difficult here, because the pressing needs continue here.

Mr. GARZA. It makes it more difficult here, and all I have to add is that when they do that they look at the sectors who they're taking from, and then they infuse technology, Congressman, and they help us in many ways with technology.

Mr. BONILLA. Well, let me assure you that the delegation will continue to press as hard as possible to get those detailed agents back.

Let me turn now to UAVs, unmanned aerial vehicles. Would it be beneficial to you to have an arm of your agency implement these so they can help you with surveillance, because with your manpower being short, and agents being detailed, wouldn't that be helpful to you to have the ability to have the eyes above to keep track, and also not just for the surveillance but for the deterrence?

Mr. GARZA. Without a doubt. They're a force multiplier. They have been. They're tried and true out in the western part of our country. We would very much welcome that type of equipment, and other type through the Secure Border Initiative that I'm sure you're aware of, Congressman, that will fund different types of technology to bring to the border.

Once you force multiply a sector with technology, the agents that would normally have to be in a certain, the manpower that have to be in certain location no longer have to actually stand guard there because then we can be responsive, and to be a rapid response team as we have in every sector, and as the Border Patrol nationally, the technology is critical. We must have it.

Mr. BONILLA. Just for the record, the change in the catch and release program, called Operation Streamline, has worked very well, not in your sectors, which you were in the Valley and now here, but one up the river in Del Rio really had an impact on driving back illegal immigration. The word got out to the illegals and we were very happy to see that.

Would you like to see that implemented across the border?

Mr. GARZA. Most definitely, and it is in many locations, but in a very targeted and very specific areas of each individual sector. Del Rio had the luxury, I say luxury, they didn't have as many crossings of that particular type of individual, and they also had enough manpower, and it was brought up earlier by one of the Congressional persons that it takes working with other Federal agencies, inclusive of Marshal Service, United States Attorney, all those assets also need to increase as we increase.

But there they had the opportunity because they had those assets there. Yes, you're correct, I think it brought it down by 90 percent.

Mr. BONILLA. Ninety percent. Final question, just very briefly, Chief. I really appreciate the Chairman's hospitality in allowing me to be a guest on this Committee today, but as you know I'm an appropriator. That is my assignment full-time. What would be your greatest funding needs, just very briefly, as we try to give you more resources that you need?

Mr. GARZA. It would be the technology that we are looking into as far as the Secure Border Initiative, Congressman. It would be the cameras that I hope some of you have seen, or would be able to see this afternoon, or anytime you're here in the sector you're welcome to come by.

It's that type of technology that would help us get to the next place. So when we have the infusion of agents, they can be placed in locations where we haven't been able to attack the problems.

Mr. BONILLA. Thank you.

Mr. ROYCE. Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Chairman.

Mr. Chairman, I ask for unanimous consent to include in today's record a statement from Juanita Valdez Cox, the Executive Director of La Union Del Pueblo Entero, expressing her constituents' hopes and desires for real, comprehensive immigration reform that will treat people with respect and dignity.

Mr. ROYCE. Without objection.

Mr. HINOJOSA. Thank you. As our attendees here in Laredo, and the listening audience know, many of my Democratic colleagues and I have been fighting for increased Border Patrol financial resources, but have been repeatedly rebuked by Republicans in Congress. Let me share with you an example of the truth.

The *Congressional Record* shows that in an emergency supplemental bill, which in last year, 2005, House Bill H.R. 1268, Republicans voting, 225 out of 227 Republicans voting, 225 voted against an effort to add \$284 million to hire 550 additional Border Patrol agents; 200 additional immigration investigators, and purchase unmanned border aerial vehicles.

Allow me to show you just two bar graphs that will show you the impact of 9/11 on Border Patrol agents. When you compare that before 9/11, which is September 1997 through September 2001, over 2800 agents were hired under the past Administration. After 9/11, from September 2001 through September 2005, less than 1500 agents were hired. And the reason is that we don't have the budget to be able to do that.

If you look in terms of percentages, you'll see the rate of increase that before 9/11 we hired an additional 15.75 percent agents, as compared to only 4½ percent per year after 9/11. And that's why we don't have enough Federal agents, or Border Patrol agents.

My friend Reyes I think covered, and so did Congresswoman Sheila Jackson Lee covered a great deal about the lack of Border Patrol agents, so I want to address my questions to Mr. Garza on the areas of concern of equipment versus the proposed wall that the Republican party wants to put up. Could you use additional unmanned aerial vehicles?

Mr. GARZA. Yes, sir, we could.

Mr. HINOJOSA. Could you use additional state-of-the-art surveillance equipment?

Mr. GARZA. Most definitely.

Mr. HINOJOSA. If you could have just one more piece of equipment that would really help this Laredo Sector, what would that be?

Mr. GARZA. Congressman, it would be more of what we have now because it's working very well. The remote video system that we have, of course ground sensor equipment, and of course the UAV has been tested elsewhere but could be brought here. That's the type of equipment that we're looking to bring in here in a high tech way to help us do our job, be a force multiplier.

Mr. HINOJOSA. Now let me ask you some questions about the National Guard on the border, which I strongly oppose. I don't believe that we should be militarize—to militarize the border. A total of 2500 National Guard troops are headed for the Mexico-United States border. Between 5 and 10 percent of that amount will be deployed in the Laredo Sector according to the reports that come across my desk.

Chief, how many National Guard troops are now assisting your sector, and how many do you anticipate will be here once this policy is fully implemented?

Mr. GARZA. We have approximately 80 now here in this sector, Congressman, and—

Mr. HINOJOSA. Eight? Ocho?

Mr. GARZA. Eighty. Eight zero. Eighty.

Mr. HINOJOSA. Eight zero, 80?

Mr. GARZA. Yes, sir. And 200 eventually.

Mr. HINOJOSA. Thank you. What types of activities are these National Guard troops undertaking in this mission?

Mr. GARZA. There's a variety. They are serving as vehicle porters, vehicle dismantlers, cargo handlers at our checkpoints, surveillance camera operators, welders, and such.

What it's also, if I may, give us an opportunity to do, Congressman, is return our agents that were doing these particular jobs before, back to the field.

Mr. HINOJOSA. Mr. Chairman, if I could just ask one final question. While the men and women of the National Guard are dedicated professionals who put their lives on the line of our security, do you agree that they are not a replacement for a fully staffed Border Patrol?

Mr. GARZA. That's correct. Their training is not the same, but they're a great force multiplier at this time, allowing those who are trained, Congressman, to return to the line.

Mr. HINOJOSA. Thank you, Chief Garza.

Mr. GARZA. Thank you.

Mr. HINOJOSA. With that I yield back.

Mr. ROYCE. Thank you. We'll go to Mr. King.

Mr. KING. Thank you, Mr. Chairman. First I would say as a point of clarification that in my years on the Immigration Subcommittee, and taking an active role in Committee and hearings and in the full Judiciary Committee where we shape most of this policy that has been brought up today, and on the Floor where I'm active in offering amendments and working with other Members, I have never in 3½ years been approached by a single Democrat with a single proposal to support an amendment that increased any funding, or any type of authorization that has to do with immigration.

So I'm happy to reach across the aisle for—

Ms. JACKSON LEE. I beg—I beg—

Mr. KING [continuing]. More enforcement and I'm—

Ms. JACKSON LEE [continuing]. To correct you. You—

Mr. KING [continuing]. Very glad to hear that—

Ms. JACKSON LEE [continuing]. Haven't read the—

Mr. KING [continuing]. There is some interest—

Ms. JACKSON LEE [continuing]. You haven't read the bills.

Mr. KING [continuing]. But I hope that it begins sometime in the future. It hasn't happened in the past, and I point also out that motions to recommit come up with about 2 minutes. It's more a procedural vote than it is a policy vote. So we're here to discuss and find out from our witnesses, and I want to thank the gentleman, Mr. Garza, Chief, for your work. I know that you have offi-

cers with their lives on the line every single day down here, and you have to make those prudent decisions.

So I take my direction to this. You mentioned that you have apprehended individuals from 70 different countries here in this sector.

Mr. GARZA. Yes, sir.

Mr. KING. And that 70 different countries, can you tell me how many of those countries were nations that are sources of terrorists?

Mr. GARZA. What has been designated special interest country?

Mr. KING. Yes.

Mr. GARZA. It's in the teens, Congressman. High teens.

Mr. KING. And have you apprehended individuals who, when their identification was run through the DHS database that were identified as persons of interest from nations of interest?

Mr. GARZA. I can't speak to this sector, but in my home sector, yes, we have. One or two. Not in a large number.

Mr. KING. And when that happens is that something that gets in the news, or is it something that goes up the line to the FBI?

Mr. GARZA. It actually, for during the investigation, the initial vetting of that person through the FBI, or Joint Terrorism Taskforce. There is no information that is outside of our agency or their agency. Eventually the cases that I speak about were prosecuted, so once they got into Federal court it was public information. It did eventually get to that point.

Mr. KING. Is that information, is it deemed classified, or is it simply an investigation that's not discussed?

Mr. GARZA. There are databases that are at the Joint Terrorism Taskforce that is classified as secret. Only someone with clearances can obtain that information.

Mr. KING. That's a point of interest to me that I'll explore another way. When you talked about, and needing up to—let me go another question here, another curiosity that I have. Do you know how many officers that you command who are anchor babies that are born here in the United States?

By the term "anchor babies" that we know.

Mr. GARZA. No, sir, I'm not aware of that.

Mr. KING. Would that information be available? Is it statistically available?

Mr. GARZA. As far as foreign born?

Mr. KING. Children that are born in the United States who have their citizenship by virtue of birthright citizenship?

Mr. GARZA. Oh yes. Yes, that would be available on one of our databases as far as employment. That can be acquired through our headquarters office.

Mr. KING. That's one of those questions that I'll formally pose then to ask that data. Then let me go to another question, and that is you're speaking in terms of perhaps 20,000 officers to defend this southern border. Do you know what the cost per mile is for your sector?

Mr. GARZA. The cost?

Mr. KING. Yes, the cost to the taxpayers per mile to defend the border, just for Border Patrol and CBP.

Mr. GARZA. We break it out by the types of infrastructure that we use, but to say an overall, throwing the mix of personnel in

total, I'd have to get back to you on that, Congressman. Where we do have say fencing, we know that cost \$4 million or so, \$3–4 million per mile. But to say, throwing in the mix of personnel and technology, no, sir, I do not have that information.

Mr. KING. I'll just tell you the best numbers we're working with in Congress are \$8 billion for 2007, about \$4 million a mile.

With 20,000 officers or agents, that's a pretty good sized army. If you had a, and I'm just going to pose this as a hypothetical, a ten foot high chain linked fence on or near the border, and then back 60 or 100 feet a 12 foot high concrete wall with sensors on it and wire on it, if you had that kind of a structure between San Diego and Brownsville, how many officers do you think you would need to defend the border then, to the same standard that you would seek to achieve with 20,000 officials and the technology you've asked for?

Mr. GARZA. Because it would take a response from someone, because we, through the experience, although we have had successes in say the San Diego area, the 14 mile area there with the fencing, there are still those that are determined to come into this country, that still attempt to come into this country.

Mr. KING. You still need to patrol the border.

Mr. GARZA. Yes.

Mr. KING. And so how many men do you think you would need in that case?

Mr. GARZA. Again, Congressman, we're looking at the numbers that we've spoken to here, but it must be a mix.

Mr. KING. Would it be less?

Mr. GARZA. If we get just the agents and not the technology, it won't work.

Mr. KING. Would it be less, and I'll yield back.

Mr. ROYCE. Mr. Gonzalez. Mr. Garza, you wanted to respond?

Mr. GARZA. I'm sorry?

Mr. ROYCE. Did you want to finish responding, Chief Garza?

Mr. GARZA. Yes. Yes, sir, my answer was yes.

Mr. ROYCE. All right. We'll go to Mr. Gonzalez.

Mr. GONZALEZ. Thank you, Mr. Chairman. Again I would ask unanimous consent to allow to be filed as part of the record a statement from LULAC regarding their position on immigration reform. And I assume that's without objection.

Chief, real quick, this Committee's true purview involves terrorism, and I'd like to stay focused on that as much as we can. You pointed out some very deplorable acts that concern all of us up here, regardless of party affiliation, and that is an increase in violent acts against your agents along the border, either by the smugglers in human trafficking, right, or cartels and such.

Is that distinct and separate from let's say someone who would fit the terrorist profile? Is there any evidence to your knowledge that any of these acts were the acts of terrorists in the way the American people now understand terrorism?

Mr. GARZA. The people who were involved in most of the incidents that we're reporting are people that we have information on, or eventually get information by our relationship with the Mexican Government officials. So I cannot draw any link to that on the specific assaults that we have had, and those assaults are not only of

course against agents but we're responsible for the safety and quality of life of everyone that lives along the border, so there's also a figure there of how many citizens are assaulted.

Mr. GONZALEZ. And I understand. Well, with greater policing of the borders you're going to have these incidences. I'm just saying we need to make a real clear distinction between border security and what we're trying to secure. We have priorities, we have a war on terror and such, and setting the priorities because we don't have infinite resources, and we have to make a clear distinction, and I'd like to stay on what the terrorist threat would be.

Now, those individuals, the smugglers in human trafficking I always call it, and the cartels and the other small time drug, they are criminals, but they're still businessmen, and they have to look at profit. They're not going to be doing this thing unless there's profit.

Would you agree with me that the terrorist's objective is to destroy the institutions of this country and our economy?

Mr. GARZA. Yes, sir.

Mr. GONZALEZ. And that would not be in the best interest of let's say someone who is bringing people over here to seek employment, because then there wouldn't be anybody to provide the employment. And this country has an insatiable appetite for drugs, illegal drugs, but you have to have money to buy those illegal drugs. So if these smugglers and the cartels and drug smugglers became partners with the terrorists, destroyed the economy of this country, wouldn't it be logical to deduce that that would be against their own best interest?

Why would you do something to harm your customer base? No, I'm serious. You're a law enforcement officer, you're a lot smarter than anybody up here on this Committee. And I'm just saying how do you identify, how do you prioritize those individuals that you go after? You have to do that. We have to do that. I believe you do it better than we do it, and that's the only thing that I'm pointing out.

Now, if you wanted to come into this country to do great harm, not to bring workers over here where we have employers that are going to be willing to look the other way, violate the law and employ them, or for the drug smugglers to find their clientele over here because we don't prosecute the user as much as we should. Right? That's our own fault and we created these two problems.

But if you were truly a terrorist, Chief, why would you want to come across the desert in Arizona, or risk being apprehended by you because we know that we have tremendous emphasis along the border. Wouldn't it be easier just to get in a car, drive across the Canadian border where you had to check yourself in, or not check yourself in? Wouldn't it be easier to land at one of our major airports in the west coast or east coast, or one of our ports in the west or east coast? If you really wanted to get here, and you're truly sophisticated the way these terrorists allegedly are, and I believe that they are, why would you try to come across the border and probably risk greater apprehension?

The other thing is do you really believe that the jihad fundamentalist Islamic member of a terrorist cell would blend in with our Latino community? I'm going to tell you what would happen. The

Latino community is one of the most patriotic communities in this country, and that includes Latinos on the other side of this border who seek their futures in this country. It is in their best interest never to give aid, or to help in any way, or abet the terrorist.

All I'm saying, Chief, is I know you've got it tough, and the last question, I think I still have some time. Would you agree with this statement regarding our national policy, that "it must include comprehensive immigration reform that provides for secure borders, interior enforcement, and a temporary worker program that allows jobs to be filled when there are no available American workers. Additionally, a well executed temporary worker program will be the most effective action we can take to protect the border. We need to recognize the reality of having 12 million people in our country who don't have the documents they need to be able to work here, and who have 3 million children who are American citizens by birth."

Would you agree with that statement?

Mr. GARZA. Yes, sir.

Mr. GONZALEZ. And that is Secretary of Commerce Carlos Gutierrez testifying before the Energy and Commerce Committee last week. Thank you for your service.

Mr. GARZA. Thank you.

Mr. ROYCE. The number of Congressional Medals of Honor won in combat by members of the Latino community shows that they are indeed one of our most patriotic ethnic groups in the United States. The subject matter to Mr. Garza on the question of crime cartels, and MS-13, and other organizations that are smuggling people into the United States and forging documents though is a separate question.

I say that because there were press reports last week of the granddaughter of one of the criminal syndicates who testified that when she brought up the point, with her husband, when she brought up the point, but we could be smuggling jihadists into the United States, terrorists was her word, excuse me, we could be smuggling terrorists into the United States, he said, "Terrorism is an American problem. Business is business. This is business."

On the second point, which goes to what is happening on the border, and maybe not in this sector but in San Diego. I talked to a Border Patrol officer who had stopped an individual from Uzbekistan, who had been trained in Afghanistan, at a madrasa. This individual actually had tried the easy route first. He had attempted to fly into one of our international airports. He was stopped there.

So the second time he was coming over the border when apprehended by our Border Patrol agent. When our Border Patrol agent tried to secure him, he was adamant enough to try to get loose as to severely injure the Border Patrol agent. In fact, he bit the shoulder of the Border Patrol agent while the agent was taking him into custody.

So there are reports from Border Patrol agents that they've given me about their concerns over people coming over the border. We know the number of OTMs, as you've testified, Mr. Garza, we know the countries of origin. Many of them are state sponsors of terrorism, or countries where al-Qaeda does significant recruiting.

Just wanted to make that point and go to Mr. Marchant.

Mr. MARCHANT. Chief Garza, would you briefly describe for us your jurisdiction, your geographical jurisdiction?

Mr. GARZA. For the Laredo Sector?

Mr. MARCHANT. Uh-huh.

Mr. GARZA. We have approximately 170 miles of river frontage from south to Starr county. It begins in Zapata and then runs north, upward rather. Then we actually encompass almost the majority of the State of Texas. Up north of Dallas, we have a station in Dallas and a station in San Antonio. Back southeast to Houston, and then back into Zapata county.

Mr. MARCHANT. So when you begin to talk about your jurisdiction, you're actually talking about the area that I represent, 500 miles away?

Mr. GARZA. Yes, sir.

Mr. MARCHANT. What emphasis in your opinion has been given by Congress on the issue of interdiction and apprehension and deportation of people that have made it across the border and into our major metropolitan areas, which would be your jurisdiction?

Mr. GARZA. Speaking for our assets in the Border Patrol, with our commitment to securing the border and being forward deployed, the assets in the interior stations or stations that are a considerable distance, such as Dallas or San Antonio, are not given additional personnel at this time because of this commitment to the border. As far as assets that you ask I assume are about the Immigration and Customs Enforcement Division which are responsible for the larger cities and enforcement of our laws there, I couldn't speak to their numbers or what they have been able to appropriate from Congress.

Mr. MARCHANT. The most common complaint in the area I represent by law enforcement is the lack of assets of the Border Patrol to pick up people that have been apprehended, criminals, not people trying to reunite with their families, not people that are coming to work, but people that are committing felonies, misdemeanors, that are being arraigned by judges, and put in our county prisons, and then sitting there. My constituents, as far as the law enforcement, have a disincentive to apprehend, a disincentive to house, a disincentive to medicate, a disincentive to take care of those prisoners, and mainly because of the understaffing and the inability of the Border Patrol to come and pick those, not criminals because they haven't been tried, but in some instances criminals, and send them back across the border.

What percentage of the OTMs that do penetrate the border go into metropolitan areas?

Mr. GARZA. Well, as you well know, the notice to appear phenomenon that we have, and have had over the last many years, it's a very high percentage, because until recently with expedited removal, and an increase in detention space where we're able to get people into our Section 240 proceedings, which is a deportation and removal proceeding, the majority had been released into the large cities, and we by virtue of information they give us they are going to the larger cities.

But it has to be, your comment and your question, the department is taking a comprehensive look at not only CBP but the ICE

side of the house in order to increase bed space, in order to take over those duties. We once had, even in the interior stations of Dallas and San Antonio, we once had more agents doing that type of jail check type work.

It reverted back to ICE, but here on the border we still do that as part of our day to day duties. To those who are incarcerated for other type of offenses, that are committed here in the U.S., take them into custody or place a hold on them so that we can put them through deportation proceedings.

Mr. MARCHANT. Chief, I would request that you let me know the name of the agent in charge in Dallas, in that area, so I could go sit down and learn some more about the internal interdiction.

Mr. GARZA. Most definitely.

Mr. MARCHANT. For my own information. I appreciate the job that you do every day, and I would like to also ask one last question. The last time I was down here we had a helicopter that had to be brought in from, I think it had to be brought in from Arizona because it had been taken here to Arizona. Has that helicopter been returned?

Mr. GARZA. No, it has not.

Mr. MARCHANT. So would you say that a helicopter is a very key element to enforcement along the border?

Mr. GARZA. Most definitely. And of the two that are stationed here now, well we have several different types but there's one that is on loan to us now, but it's not our own here in Laredo.

Mr. MARCHANT. I would like to join Congressman Bonilla in pleading for our Administration to return the assets that are needed in Texas from the other regions, so that you can do the job that you're been entrusted with.

Thank you.

Mr. GARZA. Thank you, sir.

Mr. ROYCE. Thank you. Chief Garza, we very much appreciate your testimony here today. We appreciate the service of your men and women in uniform. Thank you so much.

Mr. REYES. Mr. Chairman, could I get about 30 seconds to correct the record on a couple of things?

Mr. ROYCE. Absolutely. Mr. Reyes.

Mr. REYES. First of all, it's important to note that people are allowed their own opinions, but not necessarily their own facts. My friend from Iowa made the statement that not one Democrat had approached him on anything to do with enforcing, or reinforcing the border.

It's common for us, and I'll give you an example of H.R. 98, which is a bill that Congressman Dreier and I have, it's common on a bipartisan basis to have the Democrat line up Democratic support, and Republicans line up Republican support. So I just wanted to clear that issue.

Secondly, when my colleague from Laredo made mention about the UAVs, emergency supplemental bill H.R. 1298 that Congressman Hinojosa mentioned did in fact have UAVs in there, Border Patrol agents and additional ICE investigators for employer sanctions, yet again was voted down.

The last point I want to make, Mr. Chairman, and I appreciate the indulgence, is that the Administration is controlled by the Re-

publican, it's a Republican Administration, Senate is Republican, House is Republican. Seems to me that the issues of securing the border ought to be able to be done very smoothly because the agenda is controlled, yet here we are doing field hearings wondering what we need, how we're going to execute an agenda that should be done because you've got control of the whole agenda. I think that point needs to be made as well. Thank you.

Mr. ROYCE. I thank the gentleman and we're going—

Mr. KING. Mr. Chairman—

Mr. ROYCE [continuing]. No, I'm sorry, Mr. King, let me just say part of the role of the hearing here is, I'm going to allow Mr. King and you, Congressman Sheila Jackson Lee, on the next panel to make your points. But we do want to get to the next panel. Part of the goal here is we have passed out a strong enforcement measure out of the House. We have a bill in the Senate.

We're looking at the House bill, we're looking at the Senate bill. We're looking now at how each of them, the advantages and disadvantages for border security. With that said, let's go to our next panel.

Thank you again, Chief Garza.

[Recess.]

Mr. ROYCE. We have on our second panel Sheriff Rick Flores. He has served as sheriff of Webb County, Texas, for which Laredo is the county seat, since March 2004.

Sheriff Flores has been a Texas peace officer since 1998. He's been certified as a law enforcement instructor by the Texas Commission on Law Enforcement Standards and Education. Mr. Flores was kind enough to travel to San Diego earlier this week to testify before the Subcommittee.

Sheriff Sigi Gonzalez has been sheriff of nearby Zapata County since 1994. Sheriff Gonzalez was recently appointed to the Governor's Office of Homeland Security Texas Intelligence Council. He is the past chairman of the newly formed Texas Border Sheriffs' Coalition. Sheriff Gonzalez has had a 30-year career in law enforcement.

Then we have the Honorable Raul Salinas. He is the newly elected Mayor of Laredo. Mayor Salinas has had a long career in law enforcement, having served as an FBI agent for 27 years, including as an Assistant Legal Attache at the U.S. Embassy in Mexico City. Mayor Salinas early on in his career was a U.S. Capital Police Officer, a force that all of us are very familiar with.

The Honorable Elizabeth G. Flores served as Mayor of Laredo from 1998 until 2006. She is a former chairperson of the U.S. Conference of Mayors, Cities and Borders Taskforce. Ms. Flores has been involved in many civic activities in Laredo throughout her career.

I'd ask the panelists to summarize your written testimony, which we will be entering into the record in full. We will begin with Sheriff Rick Flores.

Mr. FLORES. Thank you, Chairman. First of all, what I would like to ask with all due respect, would you like for me to speak on the vulnerabilities of terrorism on our border, would you like for me to speak about immigration?

Mr. ROYCE. Vulnerabilities to terrorism on the border.

Mr. FLORES. Thank you.

Mr. ROYCE. Thank you, Sheriff Flores.

**STATEMENT OF MR. RICK FLORES, SHERIFF, WEBB COUNTY
(TX) SHERIFF'S DEPARTMENT**

Mr. FLORES. Honorable Mr. Royce, Honorable Committee Members, fellow sheriffs, and distinguished visitors. As mentioned on Wednesday, Homeland Security rests in large part on Border Patrol or border security, and a growing threat has emerged from high risk infiltration through our southern border.

These concerns, especially after post-9/11, has placed an added responsibility on us as a nation to secure our borders. We have underscored that local law enforcement agencies are doing their best to ensure public safety along our borders, and are in dire need of resources to meet our increased responsibilities.

Today it is fitting that a fresh emphasis be placed on our roles as first responders, because it is we who are called to emergencies along the river. There's a view though that local law enforcement has a duty to perform and pay the bill, regardless of the financial burden. That is true in a narrow sense.

The Vice Chairman of this Committee asked Sheriff Baca of Los Angeles County, Sheriff Kolender of San Diego County, and myself of Webb County, Texas if we would expect a sheriff from New York to pay the expenses of arrest and detention of a rapist from the State if a similar crime was committed in our jurisdiction. We all of course answered no. The question seemed to be aimed at the very heart of our request for resources, a question which in my view seemed a bit simplistic.

What needs to be made clear is that our pleas for help are based largely in part on the Federal Government's failure to meet its responsibilities, a failure which puts a most tiresome burden on local and State agencies along our borders and beyond. I submit to you, and I am confident that my fellow sheriffs would echo my thoughts, that many of our problems are federally caused, and therein lies the core of our plea.

Please keep in mind that the message given in San Diego, and here in Laredo as well, however urgent and growing in urgency, is one which allows a positive outlook for an economically healthier border. Our positive outlook though can best be maintained by a stress on safety and security, and is mentioned here to give assurances that the point isn't being ignored.

I now wish to share with you some specific instances of infiltration by people who almost certainly can be considered high risk. At least two Mexican military IDs discovered by ranchers have been turned over to the U.S. Border Patrol. About six to eight cell phones, one of them with numbers listed in Monterrey, Mexico, and South Texas, have been turned over to Border Patrol Special Operations Officers by ranchers. At least one dinar Sudanese bill has been found by a fence line in South Texas ranch. The money from the Sudan was turned over to the McAllen division of the FBI.

Quail hunters were surprised by 15 black-clad men with military bearing toting heavy duffel bags who fled into the brush about 30 miles east of Zapata. The Border Patrol was called and they arrived about an hour and a half later. Many such units have been

spotted by watchdog groups, in one case the leader tipping an AK-47 to a deer hunter who sat terrified in his blind.

We are in the process of obtaining copies of videos of some of these sightings. We have established contact with people who have unique, firsthand knowledge of countless infiltrations and harrowing experiences by ranchers, especially their wives, who have had to resort to firearms to counter the threats. Rancher groups have been provided by Border Patrol with statistics which clearly indicate that some 50 percent of all alien arrests have been other than Mexicans. There are diseases and issues to consider as well, and we have a key witness available, a man who travels consistently to a ten county area along the border, who has done so for 33 years, an individual who has been appointed by Governor Rick Perry to the Texas Animal Health Commission, a man who has met personally with Senator John Cornyn's chief legislative director, and two aides, a man who for the past 8 weeks has been in constant contact with Mr. Steve McGraw, the Director of Homeland Security for the State of Texas, who can provide firsthand accounts and written documentation of numerous such instances.

I was disappointed in San Diego when immigration became the centerpoint of discussion. The centerpoint should be homeland security. We can't have homeland security if we don't have border security. This is not a partisan issue. This is a red, white and blue issue.

Thank you for allowing me to be here amongst you.

[The prepared statement of Mr. Flores appears in Part I of this hearing—July 5, 2006.]

Mr. ROYCE. Thank you, Sheriff Flores.
Sheriff Gonzalez.

**STATEMENT OF MR. SIGIFREDO "SIGI" GONZALEZ, JR.,
SHERIFF, ZAPATA COUNTY (TX) SHERIFF'S DEPARTMENT**

Mr. GONZALEZ. Thank you, Chairman Royce. I will try to be as brief as I can.

Chairman Reyes, Mr. Reyes, Members of Congress, Members of the Subcommittee, thank you for inviting me here. It's an honor and a privilege to appear before you to discuss with you border vulnerabilities and international terrorism, and how they affect local law enforcement.

Chairman Royce, I would also like to point out the—congratulate rather or recognize the Chairman of the Committee, Chairman Hyde, for his 32 years of service to the citizens of this country as Congressman, and congratulate him on his retirement.

Chairman Royce, I have submitted a written statement that I will summarize by stating this. In May of this last year, 16 sheriffs along the Texas border formed the Texas Border Sheriffs Coalition, out of frustration in the inadequacies of our Federal Government in protecting the citizens that are sworn to protect. In late March of this year the sheriffs of New Mexico, Arizona and California, because of their frustrations, also joined our efforts and we formed the Southwestern Border Sheriffs Coalition.

We continue to believe that terrorists have expressed an interest and desire to exploit the existing vulnerabilities in our border security to enter or attack the United States.

I would like to clear something up, Chairman Royce, that although some of the matter of which I will testify today may seem as if I criticize Federal agents, I want to make sure that we understand that neither I nor coalitions criticize any Federal agent from Border Patrol, ICE or any other Federal agency, but rather we criticize the policies that they have to adhere to. As to border vulnerabilities, for years we have seen individuals entering our country illegally. Recently we're seeing that many of these persons are members of ruthless and violent gangs.

All of us are concerned that the border with Mexico is being used as the front door to this country and the terrorists are already in our back yards. Many of the immigrants that are being apprehended have tattoos all across their chest and their back, advertising what gang they belong to. These are not your normal illegal immigrants.

I dare to say that at any given time, and this is not to criticize Border Patrol because they are doing the best job they possibly can with the resources that are available to them, but I will tell you this, at any given time along the Texas-Mexico border one can get in a boat and go back and forth in Texas and Mexico, and not get apprehended. The chances for a terrorist, or weapons of mass destruction from getting seized or being apprehended on the border are very, very slim.

As to threats along the border, the cartels operating in Mexico and the United States have demonstrated that the weapons they possess can and will be used in protecting their loads, their very valuable loads. On February 10th of last year, a high ranking member of the Mara Salvatruchas or MS-13 was apprehended in Brooks county in South Texas. This individual had been deported at least five times. This individual was responsible for the bus bombing in his native country that killed 28 persons, including six children, and injured 14 others.

Something that is not in my written report here consists of something new, Chairman Royce. This last Saturday a detention officer of the Starr County Sheriff's Office, a hundred miles southeast of here, went to Mexico to visit his girlfriend, just right across the border from Roma, Texas in Ciudad Miguel Aleman. He was reported missing the next day on July 2nd. On July 3rd, Chairman Royce, Members of Congress, his body was found close to Monterrey, Mexico, had been brutally tortured, had been brutally beaten, hands were tied behind his back, his eyes were bandaged, he had been shot in the back of the head, the bullet exiting his forehead.

Ironically, during his funeral day before yesterday, right across the street from the funeral home, persons from Mexico had entered into Starr county, and attempted two kidnappings. One of them was successful, one of them was not successful.

The bad thing about it, I guess fortunately, and unfortunately to a certain extent, the individuals that were caught, one of them was Mexican National, had come into the country illegally again. A year before that, in June 2005, had come into the country and caused a murder on a downtown street in Starr County, Texas. With no regards to human life, no regards to anything. No matter who the witnesses were, it did not matter.

We are also seeing again the kidnappings in Starr county and other counties, since July 4th, Members of Congress, there have been at least seven kidnappings in one particular county in South Texas. That's 3 days, that's in 3 days.

We constantly hear the complaints of our landowners, the landowners along the banks of the Rio Grande River complain to us. These landowners who have lived on their farms for decades are choosing to move away from their lands, lands that they've inherited from their parents, their grandparents. They can no longer live on the border. They're afraid, they're scared.

We have something that happens here in Laredo, or has happened here right across the border, 200 yards from here. Twenty eight persons have been missing. They have been accused of being involved in drug gang activity. It doesn't matter if a person is or is not involved, it's still a human being. Nothing has been done by our government, or the Government of Mexico, to try to resolve this situation.

On March 3, 2005, several officers assigned to do surveillance on the Rio Grande River of the Zapata and Webb County line observed approximately 20 to 25 people walking across the border. They were heavily armed, were very clean-cut, very military looking, and they were carrying duffel bags.

On January 9th of this year, the United States Department of Agriculture tick inspector was patrolling the banks of the Rio Grande River the way he's supposed to do. He encountered 17 individuals that he personally saw being smuggled across the river. Of those 17 individuals, three of them were armed with automatic weapons.

These are believed to have been coyotes who were charging a very, very high price for getting loads across. The individuals being smuggled had an accent that did not appear to be from Mexico, South America, or Central America, but from elsewhere. More and more we are seeing armed individuals entering our communities through our counties. We feel that it's a matter of time before a shoot-out will occur.

Chairman Royce, in summary, it has been almost 5 years since the worst terrorist attack in this country, and we are still as vulnerable if not worse as September 11, 2001. We have seen no funding for any projects along the Texas border. In 5 years we have seen broken promises of protecting our great nation.

September 11, 2001, was a dark day in American history and the protection of a great nation. What has changed since that day on the border in my back yard? Nothing. Nothing whatsoever.

The Governor of this State is in the same position that we are in law enforcement, and has been for years. We are fed up and tired of failed promises and policies. Texas is the can-do State, and Governor Perry has decided to fund a border security initiative that has literally shut down criminal enterprises in several Texas counties.

We did this with State funds and working with Federal partners on an initiative that has put law enforcement in the driver's seat, instead of the cartels, the smugglers, and border crossing criminal entrepreneurs. Washington, DC, has not just failed me and my law enforcement comrades. It has failed Americans.

Just shy of 5 years from that day and the border remains open to smuggling operatives, criminal organizations, and people aimed at destroying this nation. In Texas you have left us no choice. We have had to pick up the fight to save our country and our counties. We didn't ask for this battle on the border, but we refuse to lose to criminals.

We always give problems, Members of Congress, but I'd like to offer a solution. Texas Border Sheriffs Coalition has implemented Operation Linebacker, a second line of defense for the protection of our country. It's very similar to an operation Hold The Line that was implemented by the Honorable Congressman Reyes when he was Border Patrol chief in El Paso.

The problems along the border are Federal problems. Our Governor has appropriated \$9.8 million as seed money for us to start Operation Rio Grande. Operation Linebacker and Operation Rio Grande have proven to be successful. Counties along the border are reporting reductions in crime. Deterrence has been very successful in Zapata county and other counties. These are proven operations that should be funded by the Federal Government.

Congressman John Culberson has introduced H.R. 4360, the Border Law Enforcement Act of 2005, a bipartisan piece of legislation that has been co-sponsored by Congressman Poe, Congressman Bonilla, Congressman Reyes, Congressman Henry Cuellar. It's a bipartisan piece of legislation. Section 607 is very much controversial. H.R. 4437 pertains to what operations we are doing. Congressman Jackson Lee has filed legislation, the Border Rapid Response Act will assist Border Patrol. These pieces of legislation will provide an immediate relief for the problems encountered along the border.

In conclusion, Committee Members, like Sheriff Flores mentioned, there cannot be any homeland security without border security. Our southwest border needs immediate attention. Local officials, not Federal officers, answer emergency calls for assistance made by our constituents. We are the first responders. We must not wait for another terrorist act against our country or another officer to get killed along the border before something is done.

Chairman Royce, I appreciate for allowing us the opportunity to be here today with you, and I thank you for the work that you do for our country, the United States of America.

Chairman Royce, this concludes my testimony. I'll be pleased to answer any questions the Committee Members may have.

[The prepared statement of Mr. Gonzalez follows:]

PREPARED STATEMENT OF MR. SIGIFREDO "SIGI" GONZALEZ, JR., SHERIFF, ZAPATA COUNTY (TX) SHERIFF'S DEPARTMENT

Chairman Royce, Ranking Member Sherman, Members of the Subcommittee, it is an honor and a privilege to be invited to appear before this subcommittee to discuss with you international terrorism and nonproliferation, and how these threats affect local law enforcement. I would also like to thank Committee Chairman Henry J. Hyde for allowing this hearing to take place. I also thank Chairman Hyde for his 32 years of service to this country as a congressman and congratulate him on his retirement.

In May of last year the sixteen sheriffs of Texas whose counties border the Republic of Mexico formed the Texas Border Sheriffs Coalition. This coalition was formed out of frustration in what we felt was the inadequacy of our federal government to protect our border in preventing a potential terrorist and their weapons of mass destruction from entering our country. We felt then, and still do, that the 1,276-mile

Texas border with the Republic of Mexico is very much unprotected, wide-open, and extremely porous. In late March of this year, also because of their frustration, sheriffs from New Mexico, Arizona, and California joined us in our efforts and we formed the Southwestern Border Sheriff's Coalition. The 2,000 miles of southwestern border needs protection and immediate attention. In Texas, we sixteen sheriffs are responsible for 39,764 square miles. We continue to believe that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities in our border security to enter or attack the United States.

Although some of the matters of which I offer testimony today may seem as if I criticize federal agencies, I want to make sure that we understand that neither I nor our coalitions blame the agents of the United States Border Patrol, ICE, or any other federal agency, but, rather, we criticize the policies that they have to adhere to. In most areas of the southwest border we do not know what we would do without CBP/USBP presence.

BORDER VULNERABILITIES

For years we have seen individuals enter the country illegally; however, recently, we feel that many of these persons are no longer entering the country to look for legitimate employment. We are now seeing that many of these persons are members of ruthless and violent gangs. All of us are concerned that the border with Mexico is being used as the front door to this country and that terrorists are already in our back yards. Many of the illegal immigrants from countries of special interest are apprehended along the southwest border. To avoid apprehension, we feel that many of these terrorists attempt to blend in with persons of Hispanic origin when entering the country.

Based on U. S. Border Patrol statistics for "Other Than Mexicans" (OTMs) there were 30,147 OTMs apprehended in FY03, 44,614 in FY04, and 165,178 in FY05. Most of them, including immigrants from countries of special interest, were apprehended along the southern border of our country.

I dare to say that at any given time, daytime or nighttime, one can get on a boat and traverse back and forth between Texas and Mexico and not get caught. If smugglers can bring in tons of marihuana and cocaine at one time, and can smuggle 20-30 persons at one time, one can just imagine how easy it would be to bring in 2-3 terrorists or their weapons of mass destruction across the river and not be detected. Chances of apprehension are very slim.

We have always maintained that if you don't live on the border you don't know how vulnerable this country is for a terrorist attack. Persons living 50 miles or more away from the border have the impression that this border is very well protected. This is a farce. The border is not protected. We have had the honor of being visited by Congressmen Ted Poe, Tom Tancredo, and John Culberson. They have been to the banks of the Rio Grande River, both during the day and at night, and they have seen for themselves how vulnerable, unprotected, and porous our border is.

THREATS

The cartels operating in Mexico and the United States have demonstrated that the weapons they possess can and will be used in protecting their caches. One informant familiar with the operations of these cartels mentioned to us that the weapons we use are water guns compared to what we will have to come up against if we ever have to. These cartels, known to frequently cross into the United States, possess and use automatic weapons, grenades, and grenade launchers. They are also experts in explosives, wiretapping, counter-surveillance, lock-picking, and GPS technology. They are able to monitor our office, home, and cellular phone conversations. The original members of this cartel were trained in the United States by our own government.

In late January Immigration and Customs Enforcements' Border Enforcement and Security (BEST) Task Force confiscated components of Improvised Explosive Devices (IEDs) in Laredo, Texas. It is believed that these components were to be sent to Mexico for use by the cartels or to be used against us at the appropriate time. (Reference is made to the testimony of Ms. Marcy M. Forman, Director of Office of Investigations, United States Immigration and Customs Enforcement, DHS, on March 1, 2006, before the Senate Committee on the Judiciary, Subcommittees on Immigration, Border Security and Citizenship and Terrorism, Technology, and Homeland Security.)

On February 10th, 2005, a high-ranking member of the Mara Salvatrucha, or MS-13, was apprehended in Brooks County, in south Texas. He had been previously deported at least four times. This MS-13 gang member is believed to have been responsible for the killing of 28 persons, including six children, and the wounding of

14 others, in a bus explosion in his native country. These people, as many others, find it very easy to come into our country through a very porous, wide-open, and unprotected border. Information was received in late April of this year that he was on his way back into the United States, or that he was already in the country, and was threatening to assassinate any officer that attempted to apprehend him.

In May of this year my office received information that the cartels immediately across our border are planning on threatening or killing as many police officers as possible on the United States side. This is being planned for the purpose of attempting to "scare us" away from the border. It is very possible these cartels may form a nexus, or have already formed one, with members of Al Qaeda and other terrorist organizations. This information was sent to the Texas Border Security Operations Center for dissemination to other local, state, and federal agencies. This is not the first time that this information has been received.

It is known that many of the operatives of cartels in Mexico live in the United States. Information received by our respective agencies indicates these criminals are living in our communities. They come to our cities and towns when things get too hot in Mexico. They come here to escape the possibility of apprehension in Mexico. Information received is that they are here living along the border.

Local, state, and federal officers have found many items along the banks of the Rio Grande River and inland that indicate possible ties to terrorist organizations or members of military units of Mexico. Currency and clothing are common finds. A jacket with patches from countries where Al Qaeda is known to operate was found in Jim Hogg County. A duffle bag with "Armada de Mexico" embroidered on it was found in Zapata County on February 2nd of this year.

Many landowners constantly complain about their fences being cut by human and drug smugglers. The repairing of landowners' fences becomes very expensive. Some of these landowners decide not to repair their fences since it is very costly for them. They complain to local officers about the trash left on their properties. Some of this trash is eaten by their livestock, causing their livestock to die. In other counties along the border, residents are now scared with the big influx of immigrants coming across their property. These immigrants are not the same as what we saw 2-3 years ago. Many of the immigrants have tattoos across their chest or back advertising what gang they belong to and demanding from the residents living along the border to use their phone or other necessities. They no longer ask for things but rather they demand. These landowners, who have lived on their farms for decades, choose to move away from their properties.

POSSIBLE INCURSIONS

Employees of our offices have also seen incursions into this country of persons seeming to be members of the military of Mexico. On March 3rd, 2005, several officers assigned to do surveillance by the Rio Grande River by the Zapata/Webb County line observed approximately 20-25 persons walking on a gravel road, coming from the area of the riverbanks, marching in a cadence. These individuals were dressed in battle dress uniforms (BDUs), carrying what officers believe to be automatic weapons, very clean cut, and in very good physical condition. They were carrying backpacks and large duffle bags and walking two abreast.

In the town site of Zapata, residents are always reporting individuals getting off boats. These individuals also wear BDUs, backpacks, and possess weapons. The residents describe them as soldiers.

On January 9th, 2006, a USDA Tick Inspector encountered 17 individuals in Zapata County that had just been crossed into the United States. Three of these individuals had in their possession assault type long arms. These three armed individuals were in all probability coyotes protecting their very apparent important clients. The Inspector noticed that these individuals were not from Mexico but from another country since they spoke Spanish with an accent that is not common in Central or South America. These individuals threatened to kill the Inspector. The Inspector had his issued gun and badge under his coat where it was not seen by these persons. He felt that this probably saved his life.

More and more we are seeing armed individuals entering our country through our counties. We feel that it is a matter of time before a shootout will occur. It the unfortunate event of a shootout, federal, state, and local officers along the southwest border are not adequately armed. Compared to the ruthless and brazen and open behavior of the cartels we face, we are most certainly outmanned. In the event of a shootout, many casualties will likely occur. Federal, state, and local officers all along the southwest border of the United States are outgunned and outmanned.

SUMMARY

The Texas Border Sheriff's Coalition and the Southwestern Border Sheriff's Coalition are very concerned with the very unique problems along our border. Border Patrol is doing the best they can with the resources that are available to them. Immediate help is needed for them and for southwestern border sheriffs for the protection of our country.

We are seeing more and more persons coming across our southwestern border than ever before. From what we are seeing, we feel that most of these persons are not coming into the country to look for legitimate employment. We feel that terrorists are already here and continue to enter our country on a daily basis. Our border is wide open; it is very porous and definitely unprotected and vulnerable.

Our federal partners are doing the very best that they can but are not being very successful. With so many immigrants coming across our borders they are overwhelmed with the work they are doing. Federal assistance for them and us is too slow in coming.

It has been almost five years since the worst terrorist attack in this country and we are still as vulnerable, if not worst, than before September 11, 2001. We have seen no funding for any projects along the Texas border. On the contrary, as time goes by we see less funding opportunities.

In five years we have seen broken promises of protecting our great nation. September 11, 2001, was a dark day in American history and the protection of a great nation. What has changed since that day along the border and in my backyard? Nothing. As I speak before you today funding aimed at border security didn't come from Washington, DC, it came from Austin, Texas.

The governor of this state is in the same position we in law enforcement have been in for years. We are fed up and tired of failed policies and promises. Texas is the can do state and Governor Perry has decided to fund a border security initiative that has literally shut down criminal enterprises in several Texas counties.

We did this with state funds and working with federal partners on an initiative that puts law enforcement in the driver's seat instead of the carters, smugglers, and border crossing criminal entrepreneurs. This should have been done on September 12, 2001, by our federal government. Washington, DC didn't just fail me and my law enforcement comrades . . . it has failed Americans. Just shy of five years from that day and the border remains open to smuggling operatives, criminal organizations and people aimed at destroying this nation.

In Texas you left us no choice; we have had to pick up the fight to save our counties. We didn't ask for this battle on the border . . . but we refuse to lose to criminals!

POSSIBLE SOLUTION

We, the Texas Border Sheriff's Coalition, have implemented Operation Linebacker, a second line of defense in the protection of our country. The United States Border Patrol being the first line of defense. The problems along the border are federal problems. Our governor, the Honorable Rick Perry, could not wait for a peace officer to get killed along the border. He, just as we, is very much concerned. He has appropriated \$9.8 million as seed money for us to start Operation Rio Grande. Operation Rio Grande is an operation that partially funds Operation Linebacker and makes available all state resources for the protection of the border. Operation Linebacker and Operation Rio Grande have proven to be successful. Counties along the border are reporting reductions in Uniform Crime Reporting Part I crimes. Deterrence has been very successful in Zapata County and other counties. These are proven operations that should be funded by the federal government.

In the first six months of these operations we have seized over 36,667 pounds of marihuana, four pounds of methamphetamine, five pounds of heroin, and 120 pounds of cocaine. There have been 129 drug seizures resulting in 172 arrests. An additional 534 individuals have been arrested on state crimes.

Congressman John A. Culberson has introduced HR 4360, the Border Law Enforcement Act of 2005. This piece of legislation covers all of the problems that we, as sheriffs, are encountering along the border. Section 607 of HR 4437 is very similar to HR 4360. These are pieces of legislation that will provide an immediate relief for the problems that we are encountering. Some Sheriffs along the southwest border can deploy their deputies within 1-2 weeks and others a maximum of five months. It takes a minimum of one year to deploy one border patrol agent after recruiting, academy, and field training.

These pieces of legislation will provide immediate assistance in protecting our border. The authors of these pieces of legislation are concerned with the problems along the southwest border, just as every member of this committee is. The problems

along the border will continue until our federal government intervenes and does something about it soon.

CONCLUSION

Committee Members, there cannot be homeland security without border security. Our southwest border needs immediate attention. Local officers, not federal officers, answer emergency calls for assistance made by our constituents. We are the first responders. Must we wait for another terrorist act or until an officer gets killed before we act?

I want to express my most sincere appreciation for allowing me the opportunity to appear before you and thank you for the work you do for our country, the United States of America.

Chairman Royce, this concludes my statement. I will be pleased to answer any questions that you or Members of the Sub-Committee may have.

Mr. ROYCE. Thank you, Sheriff Gonzalez.
We'll go to Mayor Salinas.

STATEMENT OF THE HONORABLE RAUL G. SALINAS, MAYOR OF LAREDO, TEXAS

Mr. SALINAS. Chairman Royce, Members of the Subcommittee on International Terrorism and Nonproliferation, my fellow Federal, State and local government colleagues, good morning and bienvenidos a Laredo, the Gateway City to Mexico.

It is a great honor for me as one of my first official duties to welcome the U.S. Congress to Laredo, Texas. What the Members of the Subcommittee may not know is that my first two jobs as an adult in Washington was an aide to former Congressman Kika DelaGarza, and later as a member of the United States Capitol Police. From the Capitol Police I went on to a career as an FBI agent where I served for 27 years.

I am excited and grateful that the Congress has taken the advice of local government officials all along the border, including my predecessor, Mayor Betty Flores, who has counseled the Administration and the Congress that if you want to talk about border issues, it is best to do so with officials on the border that live with the decisions you make, and more importantly will be your allies in achieving the shared mission of border security. While the issue of border security is of national security, for us on the border a safe and operational border is our life. Last month President George Bush honored us with his presence here in Laredo, and today we are honored by yours.

Before beginning my testimony, I also would like to introduce to you my fellow council member, Johnny Rendon, and the Laredo chief of police, Agustin Dovalina. Chief Dovalina heads one of the largest police forces on the Texas-Mexico border. We're proud of our men and women in the Laredo Police Department. The challenges faced by our colleagues in Nuevo Laredo demonstrate the invaluable role a professional police force plays in ensuring the quality of life of a community. I have asked the chief to join me here today to answer any questions you may have of us on police operations in the largest urban border crossing in the nation.

Mr. Chairman, I am here to deliver a very simple but important message. We must make our borders safe, but not close them to trade and community. While the nation must be dedicated to enhancing the security of our borders, that commitment must be made with a concurrent commitment to ensuring that our borders

continue to operate efficiently in moving people and goods. In Laredo we think that can be summed up in a simple statement: We need to build bridges, bridges of friendship, not walls.

Before being elected mayor, I committed 35 years of my life to public service. The great majority of these years were as a law enforcement official. Whether it was as a U.S. Capitol Policeman, as an FBI agent on the border, as a legal attache in Mexico City, I was delighted with the service to my country. With all the years of service to Homeland Security, I feel very confident that my credibility is sufficient to state that this nation can be safe without closing or slowing our borders.

Let me give you but four simple ideas on how Congress might enhance national security here in Laredo, Texas, while promoting efficient borders.

Number one, River Bend Security Road Project. The City of Laredo, in coordination with the United States Border Patrol, is seeking a \$3 million grant to improve national security through the enhancement of mobility and access into secluded areas fronting the Rio Grande River within the corporate city limits of the City of Laredo. Such a proposal is much, much cheaper than a fence, and yet more productive.

This project would enhance Border Patrol, local law enforcement, and local emergency response teams in the day to day policing, and the oversight of international border area. The U.S. Border Patrol has existing funding appropriate for the construction of a narrow, all weather roadway adjacent to the Rio Grande River. We think the project should be expanded to better meet all the needs, and because of the local benefits we are prepared to offer a local match to Federal funds.

Number two, fund COPS and provide emphasis on border. With the assistance of the U.S. Department of Justice COPS Program, the Laredo Police Department has hired approximately 155 police officers to focus on community policing issues, which many times are in fact border security issues. The added personnel have enabled the Laredo Police Department to implement the philosophy at a citywide level, and establish the foundation of COPS. The COPS program has been underfunded, or subject to earmark only appropriation for the last few years, and Laredo has not been a continuing beneficiary, despite our ongoing service to the nation.

Number three, UASI criteria to include border communities. The Department of Homeland Security has created Urban Security Initiative Program with the stated goal of making grants available for law enforcement terrorism prevention efforts. The grants also seek to enhance fire departments' response to terrorism and other major incidents.

The criterion for funding used by DHS, however, has failed to recognize what this Committee already knows: Investment made in border communities may be the best investments the nation can make. Because of the current criteria, Laredo has never been a direct recipient of UASI funds. We would welcome the Committee's leadership in seeking to amend the funding formula of UASI programs.

And fourth, port grants must be available to land ports. Just yesterday the Department of Homeland Security announced a new

round of funding availability for port security. As I explained above, Laredo is the nation's largest inland port, and in the top ten in terms of freight moved for all ports, land or sea.

Still, Laredo does not qualify for this port funding because we are not a seaport. The Committee could provide great leadership in helping address these shortcomings. I am sure my colleagues in Detroit and Buffalo would concur with my pleas for assistance.

These are just a few of our ideas on how the Committee may provide leadership on the issue of border security, while enhancing economic development.

Thank you very much for your time. I look forward to discussion, and again welcome to our city. Thank you very much, and the chief also will be available for any questions. Thank you very much. It's a pleasure to have you here in Laredo.

[The prepared statement of Mr. Salinas follows:]

PREPARED STATEMENT OF THE HONORABLE RAUL G. SALINAS, MAYOR OF LAREDO,
TEXAS

I. INTRODUCTION

Chairman Royce, Members of the Subcommittee on International Terrorism and Nonproliferation, my fellow state and local government colleagues, good morning and welcome to Laredo. I am Raul Salinas, the mayor of Laredo. While I know others have welcomed you to Laredo, let me officially welcome you to our city, the City of Laredo.

It is a great honor for me, as one of my first official duties, to welcome the United States Congress to Laredo. What the members of the Subcommittee may not know is that my first two jobs as an adult were to work in Washington as an aide to Representative Kika de la Garza and then later to become a member of the Capitol Hill Police Force. From the Capitol Police Department, I went on to a career as an FBI agent. You can only imagine then how much pride I take in welcoming you to my city today.

I am also excited and grateful that the Congress has taken the advice of local government officials all along the border, including my predecessor Mayor Betty Flores¹, who has counseled the Administration and the Congress that if you want to talk about border issues, it is best to do so with the officials on the border that live with the decisions you make and more importantly will be your allies in achieving the shared mission of border security. While the issue of border security is of national significance, for us on the border, a safe and operational border is our life. Last month, President Bush honored us with his presence here in Laredo, and today, we are honored by yours.

We congratulate you for not only hearing our pleas for border involvement, but for listening and coming to Laredo.

Before beginning my testimony, I also want to introduce you to my Chief of Police—Agustin Dovalina, III. Chief Dovalina heads one of the largest police forces on the Texas—Mexico border. We are proud of our men and women in the Laredo Police Department. The challenges faced by our colleagues in Nuevo Laredo demonstrate the invaluable role a professional police force plays in ensuring the quality of life of a community. I have asked the Chief to join me here today to answer any questions you may have of us on police operations in the largest urban border crossing in the nation.

II. LOS DOS LAREDOS AND THE ROLE WE PLAY ON THE BORDER

As a newly elected mayor, you must excuse me for first bragging just a little about my community.

Laredo is at the center of the primary trade route connecting Canada, the United States, and Mexico. We are the gateway to Mexico's burgeoning industrial complex.

¹Mayor Betty Flores also served as the Chair of the United States Conference of Mayors Borders Task Force. I would recommend the work of the Conference of Mayors to the Subcommittee on Border Issues. A copy of a border fence resolution adopted by the Conference of Mayors Committee, and set for consideration by the full conference, is attached hereto as Exhibit B.

Laredo and Nuevo Laredo, “Los Dos Laredos,” offer markets, business opportunities, and profit potential which business and industry simply cannot find anywhere else.

Los Dos Laredos are actually one city divided only by the Rio Grande. Originally settled by the Spaniards in 1755, Laredo/Nuevo Laredo became the first “official” port of entry on the U.S./Mexico border in 1851. Now, the Laredo Customs District handles more trade than the ports of Southern California, Arizona, New Mexico and West Texas combined.

Laredo is the only U.S./Mexico border city strategically positioned at the convergence of all land transportation systems. Mexico’s principal highway and railroad leading from Central America through Mexico City, Saltillo and Monterrey, the industrial heart of Mexico, converge at Laredo to meet two major U.S. rail lines, Interstate 35, and other roads which fan outwards to the urban centers and seaports of Texas and beyond to Northern States and Canadian Provinces, including Illinois, Michigan, New York, and Ontario.

For the last several years, Mexico’s economic reforms, increased U.S./Mexico trade, and cross border production sharing have combined to spur Laredo’s growth as never before. As the fastest growing city east of the Rocky Mountains, and the most competitive NAFTA crossing across the U.S., Laredo’s economic future is vibrant.

We are happy that the Congress is seeking to address border security as part of the war on terrorism, but we also need to ensure that we do not undermine that vibrant future I just referenced.

Mr. Chairman, I am here to deliver a very simple, but important message. *We must make our borders safe, but not close them to trade and community.* While the nation must be dedicated to enhancing the security of our borders, that commitment must be made with a concurrent commitment to ensuring that our borders continue to operate efficiently in moving people and goods. In Laredo we think that can be summoned up in a simple statement. *We need to build bridges, not walls.*²

III. MAYOR SALINAS’ LAW ENFORCEMENT HISTORY

They said that only President Nixon could have gone to China because his anti-communism credentials were beyond reproach. Mr. Chairman, while I am not seeking to compare myself to President Nixon, I do believe that I have the credentials and the credibility to talk about the need to preserve trade and community without undercutting a commitment to homeland security. Before being elected mayor, I committed thirty-five years of my life to public service. The great majority of these years were as a law enforcement officer; be that on Capital Hill as a policeman, as an FBI agent here on the border, or as a legal attaché in Mexico City. A summary of my career is attached hereto. I did want to mention that I am very proud of the fact that in 2003 President Bush recognized my efforts as an FBI agent.

With all my years of service to homeland security, I feel very confident that my credibility is sufficient to state that this nation can be safer without closing or slowing our borders. Let me give you but three simple ideas of how the Congress might enhance national security here in Laredo while promoting efficient borders.

a. River Bend Security Road Project

The City of Laredo in coordination with the United States Border Patrol is seeking a three million dollar grant to improve national security through the enhancement of mobility and access into secluded areas fronting the Rio Grande River within the corporate limits of the City of Laredo. Such a proposal is much cheaper than a fence and more productive. This project would enhance Border Patrol, local law enforcement, and local emergency response teams in the day-to-day policing and oversight of this international border area. The United States Border Patrol has existing funding appropriated for the construction of a narrow, all weather (unpaved) roadway adjacent to the Rio Grande River. We think that project should be expanded to better meet all needs and because of the local benefit, we are prepared to offer a local match to the federal funds.

b. Fund COPS and Provide Emphasis on Border

With the assistance of the U.S. Department of Justice COPS program, the Laredo Police Department has hired approximately 155 police officers to focus on community policing issues, which many times are in fact border security issues. The added personnel have enabled the Laredo Police Department (LPD) to implement the philosophy at a citywide level and establish the foundation of COPS. The COPS program has been under funded or subject to earmark only appropriation for the last

²The Laredo City Council has formally adopted this position as reflected by the attached resolution.

number of years, and Laredo has not been a continuing beneficiary, despite our ongoing service to the nation.

c. UASI Criteria to Include Border Communities

The Department of Homeland Security has created the Urban Area Security Initiative (UASI) program with the stated goal of making grants available for law enforcement terrorism prevention efforts. The grants also seek to enhance fire department's response to terrorism and other major incidents. The criterion for funding used by the DHS, however, has failed to recognize what this Committee already knows—investments made in border communities may be the best investments the nation can make. Because of the current criteria, Laredo has never been a direct recipient of UASI funds. We would welcome this Committee's leadership in seeking to amend the funding formula of UASI programs.

d. Port Grants Must Be Available to Land Ports

Just yesterday, the Department of Homeland Security announced a new round of funding availability for port security. As I explained above, Laredo is the nation's largest inland port and in the top ten in terms of freight moved for all ports—land or sea. Still, Laredo does not qualify for this port funding because we are not a seaport. The Committee could provide great leadership in helping address this shortcoming. I am sure my colleagues in Detroit and Buffalo would concur with my pleas for assistance.

These are just a few of our ideas on how the Committee may provide leadership on the issue of border security while enhancing economic development.

Thank you for your time and I look forward to the discussion and I remind you all that Chief Dovalina is here to answer any specific questions that you may have.

Mr. ROYCE. Thank you, Mayor Salinas. Thank you.

We'll go to Ms. Flores.

**STATEMENT OF THE HONORABLE ELIZABETH G. FLORES,
FORMER MAYOR OF LAREDO, TEXAS**

Ms. FLORES. Good morning. Good to see you all. Congressman Bonilla, very good to see you, sir, and thank you for the support that you have given us in the past. I think you said that 200 out of Laredo have been moved to other parts of the border.

Mr. BONILLA. Across the State. Not just Laredo.

Ms. FLORES. Well, consider that 300 from this Laredo Sector are also in Iraq or Afghanistan. So we're pretty short here of Border Patrol agents.

Congressman Hinojosa and Congressman Gonzalez, it's good to see you. Members of the Committee. I think it's wonderful that somebody recalled Secretary Gutierrez' comments, and it is indeed my honor to be invited here to testify by my good friend Congressman Silvestre Reyes.

When you drive into Laredo on IH 35 you will see a highway sign that reads, "Laredo 65 Miles, Nuevo Laredo 66 Miles." As you get closer you will see another, "Laredo 25 Miles, Nuevo Laredo 26 Miles." And then it hits you. Laredo is Laredo, as in Laredo, Texas, USA. And Nuevo Laredo is Nuevo Laredo as in Nuevo Laredo, Tamaulipas, Mexico.

You are approaching an international border. After you check into a hotel, ask for a margarita and a steak, have a good night's sleep, you wake up in the morning and you realize that a lot of things are different, but mostly everything is the same. Just as in any other town in the United States of America.

Then you go for a walk and after just a few blocks and a fistful of dollars you cross into Mexico and things are really different. You have just crossed a place called the border, or to be more exact the southern border of the United States.

The city of Laredo is at the center of trade routes connecting Canada, the United States and Mexico, and is located at mile marker one of Interstate Highway 35, also known as the NAFTA Highway, and the first mile marker of the Purple Heart Highway, mile marker one of IH 69 Corridor, and mile marker of the new Ports to Plains Corridor. Notably, Laredo is recognized as the fourth largest customs district in the world, with cross border shipments totaling over \$90 billion recorded in the year 2004, and growing. Laredo is topped on the list only by the ports of Los Angeles/Long Beach, New York City, and Detroit.

It is careful to note what Mayor Salinas has said about the funding going to those ports, and not to the Port of Laredo. As such, Laredo's economy continues to be strongly tied to border trade and transportation, and is directly impacted by the continuing ability to move cross border traffic expeditiously.

This story is repeated all along our border. The success of trade is due to the relationships the citizens of two communities have, and the communication that takes place on a daily basis. Citizens in border communities cross to get to family or friends, attend schools, or attend shopping centers.

You see, our MSA is not totally in the USA. The general concept of a metropolitan statistical area is one of a large population nucleus, together with adjacent communities, that have a high degree of economic and social integration with that nucleus. Texas border communities are like other MSAs in Texas, yet we are penalized because the streets that divide our communities is not made of asphalt but made of water.

The Rio Grande River as it is known in Washington is a Rio Grande Avenue to many of our citizens. Nuevo Laredo is like your Arlington, Virginia. Every day people cross the Potomac to do the same things we do, visit family, friends, restaurants, and shopping centers. The difference is that when you cross your river you do not congest the bridge with countless regulations. Every day custom agents process more than 20,000 pedestrians, and more than 30,000 vehicles, both Mexican and United States citizens, and they have not received more people or more funding.

I strongly agree that we must have a comprehensive action plan that addresses the years of neglect of border security, but one that is divided into two sections. One section should deal exclusively with reform of our antiquated and useless immigration laws, thus making our border and our city and our country more secure. The other section should deal exclusively with securing our borders against every kind of illegal activity ranging from terrorism to smuggling. I will expand on these comments when I send in my written comments.

But I insist that we cannot, we must not let this country think about the undocumented worker in the United States, in the same frame of mind as the drug dealer or the terrorist. In recent months it has been very difficult for border cities to get a clear message across that will help secure our border. In some cases the border has been piled into one large mass and it's been called Little Baghdad, or others a war zone.

We have been represented by people that do not represent the facts, the truth, or the real story of border life and security. People

are actually afraid, ladies and gentlemen, to come to Laredo, Texas, USA. Were you all afraid? You are all afraid to come to Laredo?

I suggest, and the reason because of the media. Because everything that has come out about Laredo has been bad. Ask the law enforcement officers that keep 200,000 people safe. Ask the chief that sits behind me about his crime rate.

The other sheriffs that are not here representing the Rio Grande Valley called and asked me to please say on their behalf that some of the facts are being stretched and misrepresented, for but good reason—because we need border funding for security. The sheriffs that are present here today have had to do it on their own, with taxpayers' dollars, local taxpayers' dollars, and they have been fighting tooth and nail to get funding.

The city of Laredo is trying very difficult, I believe, to change an image that has changed its complete tourism. It seems to me that we have a long way to go to resolve our cross border issues, and yet we have a good line of communication here by which we can get there. The final approach to immigration reform and securing of our borders should be an initiative that is beyond our borders in our lifetime, because a lot of what we will do will be to create long-term initiatives that will not be easily affected by political climates, or imagined barriers.

The underserved and unattended border, prior to Phil Gramm and Henry Bonilla, because I don't think he's ever gotten any help until after September 11th, that I found when I began as mayor in 1998, did nothing to explain to the American people that we cared about our immigration laws or security of our border. Since that time, through advocacy that was levelheaded, fair and takes in consideration that it is people that patrol the border, and simply need more training, enough resources, and better equipment, we will make them even more successful. They have done their job in spite of the lack of all of these resources because of sheer will.

Are we finished in advocacy? No. Did we move quickly enough after September 11th? No. In fact, sad to say we would not even be getting this attention were it not for September 11th.

In April 2005, the Department of State announced that U.S. citizens would be required to use the passport as the required travel document when entering the United States from Mexico or Canada at the end of 2007. This is a huge undertaking, has not been well funded, and is a great part of our security.

Cities cannot be asked to handle cross border traffic. I know cities will play an even more important role in securing our borders, but are we ready to fund the decisions being made, and work through the bureaucratic mess that it will take to get there?

[The prepared statement of Ms. Flores follows:]

PREPARED STATEMENT OF THE HONORABLE ELIZABETH G. FLORES, FORMER MAYOR
OF LAREDO, TEXAS

Members of the House International Relations Committee, Subcommittee on International terrorism and Nonproliferation it is indeed my honor to be invited by my good friend, Congressman Silvestre Reyes to be here with you today. It is also great to see my good friends, Congressman Gonzalez and Hinojosa. I welcome all of you today.

When you drive into Laredo on IH 35 you will see a Highway sign that reads, Laredo 65 miles, Nuevo Laredo, 66 miles. As you get closer you will see another, Laredo 25 miles, Nuevo Laredo, 26 miles. And then it hits you, Laredo is Laredo,

as in Laredo, Texas USA and Nuevo Laredo is Nuevo Laredo as in Nuevo Laredo, Tamaulipas, Mexico. You are approaching an international border. After you check into a hotel, ask for a margarita and a steak, have a good night sleep you wake up in the morning and you realize that a lot of things are different, but mostly everything is the same just as in any other town in the U.S.A. Then you go for a walk and after just a few blocks and a fist full of dollars, you cross into Mexico and things are really different. You have just crossed a place called "The Border". Or to be more exact, "The Southern Border".

The City of Laredo is at the center of the trade routes connecting Canada, the United States and Mexico and is located at *Mile Marker 1* of Interstate Highway 35 (IH-35) also known as the NAFTA highway and the first mile marker of the Purple Heart Highway, *Mile Marker 1* of the I-69 corridor, and *Mile Marker 1* of the new Ports to Plain corridor. Notably, Laredo is recognized as the 4th largest Customs District in the World with cross border shipments totaling over \$90 billion recorded in 2004. Laredo is topped on the list only by the ports of Los Angeles/Long Beach, New York City, and Detroit. As such, Laredo's economy continues to be strongly tied to border trade and transportation and is directly impacted by the continuing ability to move cross border traffic expeditiously.

The success of trade is due to the relationships the citizens of our two communities have and the communication that takes place on a daily basis. Citizens in border communities cross to visit family or friends, attend schools or visit shopping centers. You see our MSA is not totally in the USA. The general concept of a metropolitan statistical area (MSA) is one of a large population nucleus, together with adjacent communities that have a high degree of economic and social integration with that nucleus. Texas border communities' are like other MSAs in Texas; yet we are penalized because the street that divides our communities is not made of asphalt but made of water.

The Rio Grande River as it is known in Washington is the Rio Grande Avenue too many of our citizens. Nuevo Laredo is like your Arlington, VA. Every day people cross the Potomac to do the same things we do, visit family, friends, restaurants and shopping centers. The difference is that when you cross your river you do not congest the bridge with countless regulations. Every day Customs agents process more than 20,000 pedestrians and more than 30,000 vehicles, both Mexican and United States citizens.

What then are the vulnerabilities of this border and what threats do we see. What solutions can we offer? First of all, I agree that we must have a comprehensive action plan that address the years of neglect, secures the border and addresses the immigration laws we now have on the books, but the plan has to be divided into two sections. One section should deal exclusively with reform of our antiquated and useless immigration laws. The other section should deal exclusively with securing our borders against every kind of illegal activity ranging from terrorism to smuggling. The drug dealer was our first terrorist. Yet for years we have turned out back on funding the very agencies that could have strengthen our position and weaken the position of any one wanting to terrorize our residents. The Mexican people that come to work in the United States do not come with the idea of breaking any laws. They are looking for work, for a life that will improve the lives of the families they leave behind. There are complete villages in Mexico without any men and women. Without any dads or moms. Aging grandparents or family members are raising the children. What kind of family life or future will these children have? Will their future be so tied to crossing illegally into the United States that they see nothing beyond that dream? Mexico may be celebrating the money that comes into the country from people working here, but it is not paying attention to the labor drain.

I do not believe that any new immigration policy should necessarily include citizenship or amnesty. Nor does it need to; most Mexican people want to return home. That is why they are sending money home, to build houses and a future in Mexico. This future would be brighter if Mexico had an easier way for people to acquire property. A guest worker program that allows the worker to go back and forth must be the corner stone of any new immigration reform. A guest worker program would relieve pressure caused by illegal entry so that Border Patrol and others can focus on drug traffic and terrorist. We are spreading ourselves too thin. This is a huge border, we cannot build walls or hire enough patrols, but we can be smart about our approach to border security by eliminating one illegal activity. (Wish we could stop the use of the drugs, then we could eliminate another).

U.S. citizens worried that Mexicans are taking jobs that U.S. citizens want and need can be satisfied if the job is first offered to a U.S. citizen. If, after a determined amount of time the job is unfilled, an employer should be able to offer it to a Mexican that has qualified for the guest worker program. I also believe that undocumented workers now in the United States should be given first choice to belong in

the program. They have probably already received some training. The issue of reforming our immigration laws is a social and economic issue, both for the U.S. and for Mexico. We are neighbors. We can figure this out.

But I insist that we cannot, we must not let this country think about the undocumented worker in the United States in the same frame of mind as the drug dealer or the terrorist. In recent months it has been very difficult for border cities to get a clear message across to the Federal Government that will help secure our border. In some cases, the Border has been piled into one large mass that some have called "Little Baghdad", others a war-zone.

The answers to protecting the border will not rest with physical structures. In a letter to several senators while I was mayor I wrote in part: "As the Senate commences debate over our nation's immigration policies, the City of Laredo, the nation's largest port for trade with Mexico strongly supports the efforts of the federal government to enforce the nation's immigration laws, including the apprehension of persons who have entered the country illegally. The City of Laredo feels, however, the construction of a fence of the nature proposed in the House passed immigration bill would be barren of efficacy but pregnant with insult to our Mexican neighbors, and also to the residents of Texas residing in the Lower and Middle Rio Grande Valleys."

It seems to me that we have a long way to go to resolve our cross border issues and yet we have a good line of communication by which we can get there. The final approach to immigration reform and securing of our borders should be an initiative that is beyond our borders and our lifetime because a lot of what we will do will be to create long term initiatives that will not be easily effected by political climates or imagined barriers.

The underserved and unattended border that I found when I began as mayor in 1998 did nothing to explain to the American people that we cared about our immigration laws or security of our border. Since that time through advocacy that was level headed, fair and takes into consideration that it is people that patrol the border and simply need good training, enough resources and the best equipment, our Federal agencies have come a long way. Are we finished, no. Did we move quickly enough, no. In fact, sad to say, we would not be getting this attention or would people be asking what we should do, if it were not for September 11th.

In April 2005, the Department of State announced that US citizens would be required to use a passport as the required travel document when entering into the United States from Mexico or Canada at the end of 2007.

This is a huge undertaking that should be part of the comprehensive package, but have enough additional personnel for the Customs and Border Protection Department been hired for this new regulation so that we do not add more congestion to our bridges.

Border communities rely greatly on the economic impact that tourists bring. Jobs. Any challenges for one citizen group brings about delays for all citizen groups. These delays affect the economy of our communities, thus the states and the country's economy.

Nothing is more important to our two cities than the security of our families and our extended families. I believe that the Border Patrol should get the funding they need to patrol our borders with realistic urgency. By combining forces with local law enforcement agencies that already protect the large areas of population within the border communities we strengthen the effectiveness of the Border Patrol.

But the other side of this coin and the question that should be in everybody's mind is: What is Mexico doing? Remember my reference to the sign along IH35? One mile separates most border cities, yet we are trying to solve immigration and security issues by stopping them from crossing our border, when it would be a much easier task if we worked with Mexico. Mexico can no longer be a silent partner of the United States; working with the US when it likes and refusing to take giant steps towards working with the US on immigration and security of our borders when it should.

Cities cannot be asked to handle cross border traffic yet not given the tools or the federal resources. Border communities have carried the burden of federal regulations and have done it quietly and proudly. Responding to the legislative decisions of two very powerful countries has put a great deal of weight on their shoulders for many years. Now in the mist of more serious security concerns I know just what will play an even more important role in securing our borders. But are we ready to fund those decisions and work through the bureaucratic mess that it will take to get there.

Thank you.

Mr. ROYCE. Thank you. Sheriff Gonzalez, I was going to ask you a question. You testified that drug cartels are monitoring the communications of some of our officers. I wanted to give you an opportunity to go into some detail about your concerns there.

Mr. GONZALEZ. Yes, sir. We have information from at least two informants working with the cartels. This drug cartel, soon to become a cartel I understand, they're working with the Gulf Cartel presently, are able to monitor with GPS technology our cell phones, home phones, office phones. They have very sophisticated equipment for lock picking, to do of course grenade launchers, the grenades.

They also have photographs of ourselves and our families, the vehicles we drive, our license plate for identification information, driver's license, Social Security number, everything you can possibly think of. They have, they possess and they will use that as threats against us at the proper time.

So, yes, sir, we do have that information, and it comes directly from the cartels.

Mr. SALINAS. Mr. Chairman, may I add something to that?

Mr. ROYCE. Yes. Mayor.

Mr. SALINAS. Mr. Chairman, the Laredo Police Department radios are encrypted, as well as I'm sure that the FBI radios and their communications, so just for your information.

Mr. ROYCE. Let me ask a question of Sheriff Flores. You testified in San Diego that as open as our borders are to narcotics and human smuggling, so well placed are these channels of contraband that in the blink of an eye people who seek entry with treacherous motives could easily pose as those who simply seek a better life. You said in point of fact anybody with terrorist motives, of any nationality, can find a place in the smuggler's pipeline. There's room for anything and anybody.

I just ask you to expand on that and share your concerns with us.

Mr. FLORES. Chairman, I believe that your first panel, Border Patrol, did acknowledge that there is an infrastructure in place just waiting to be exploited. So I guess not only myself but Border Patrol is on the same page.

Mr. ROYCE. Sheriff Gonzalez, your thoughts on that subject?

Mr. GONZALEZ. As mentioned in my testimony, Chairman Royce, the border is very vulnerable. The infrastructure is there. It is being used to date, and it will continue to be used. There's paths across many areas of the lake, and I'm very happy to have hosted Congressman Poe, Congressman Culberson, Congressman Tancred, both Sheriff Flores and myself, and they've been to the border, they've seen what's on the border.

They've seen the vulnerability, they've seen how simple it is to cross thousands of pounds of drugs, hundreds of individuals, and just imagine how easy it would be to smuggle in a suitcase or two of nuclear weapons.

Mr. ROYCE. Sheriff Gonzalez, you believe that terrorists are in some cases attempting to blend in with persons of Hispanic origin when entering the country. Are there specific instances that you've come across, or that your deputies have come across that lead you to this belief?

Mr. GONZALEZ. Yes, sir. Very simply, in Zapata county and most counties along the border, without doing racial profiling, it's prohibited by the Texas Code of Criminal Procedure, we used to see people from Mexico.

Now we're seeing people from countries that they don't speak the Spanish language, or that accent of Spanish. They speak some other type of Spanish. I was kind of, I shouldn't say laughing, no disrespect when Congressman Gonzalez asked the question a while ago.

I was a victim, I shouldn't say a victim, but I was confused, on June 10th of 1992, in Dallas, Texas, of being from the Middle East because of my features. I'm proud of the nose that I inherited from my father, and my skin tone, but I was asked, and I was made a comment in Dallas, Texas, I was asked, "I'm surprised that you speak English and Spanish without an accent from the Middle East."

I said well my last name is Gonzalez, I'm Hispanic. I was confused as a person from the Middle East. Different things we're having to deal with on the border because we're seeing people from all over coming into our communities, from all over.

Mr. ROYCE. Could you expand upon your report of improvised explosive devices being uncovered?

Mr. GONZALEZ. Yes, sir. We had received some documentation of devices that are being used by the cartels in Mexico, specifically the Zetas, or the defectors of the Mexican military that were trained in the School of the Americas in Georgia by our own government. These are the people that are experts at wiretapping and GPS technology and everything else.

It's a known fact that they use those weapons. We have pictures of the weapons which I did provide in my testimony back in March, and I have some of the pictures here with me that I'd be more than happy to provide. These are grenade launchers. These are standard issue equipment, incidentally, grenade launchers, bulletproof vests, hand grenades.

They have been used, as a matter of fact, and I'm sure that Sheriff Flores can elaborate on that, or perhaps former Mayor Flores, they have been used 200 yards from here across the river several times in downtown Nuevo Laredo, at garage doors, at homes, and at vehicles where several people have died when they're used. And these are very common.

Mr. ROYCE. Very well armed and very well capitalized.

Mr. GONZALEZ. Yes, sir, very much so. We're outgunned and outmanned on the border.

Mr. ROYCE. Thank you, Sheriff. Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman. Thank you all for testifying this morning, and thank you for the work that you do to keep our border communities safe and prosperous.

Sheriff Flores and Sheriff Gonzalez, are you familiar with the State Criminal Alien Assistance Program?

Mr. GONZALEZ. Yes, sir, I'm very much familiar with it, sir, being sheriff for 12 years. I'm very much familiar with it.

Mr. REYES. That's a fund that's designed to offset the cost to governments, city and county governments, that handle criminal aliens. Correct?

Mr. GONZALEZ. Yes, sir.

Mr. REYES. The point I want to make, Mr. Chairman, is that that's also a fund that has been zeroed out by the Administration every year. We've been able to put back in somewhere between \$250 million and \$405 million for the kinds of concerns that you have, and we will continue to fight for that. But I want the record to show that.

Mr. GONZALEZ. We're very grateful for that, Congressman.

Mr. REYES. In the context of your testimony, Sheriff Flores and Gonzalez, I assume that you're taking issue with some of the statements that have been made by the Chairman and Members on that side of the aisle about the amount of investment that has been made on border security, the amount of money that has come in to the border. Is that what I heard, you took issue with that?

Mr. FLORES. Well, I think both Sheriff Gonzalez and myself can tell you that we have not received Homeland Security funding, or appropriate Homeland Security funding to be able to continue with our jobs and continue to work and protect our borders. And let me just clarify something for the record. People think that we are doing border security right now.

We've been performing border security since before 9/11. We've been doing this for a very long time. We patrol the areas. This is part of our county.

Mr. REYES. How big is your department, Sheriff Flores?

Mr. FLORES. Right now I can tell you that I've got 31 peace officers working on the beat, and at any given time I have eight deputies per shift patrolling 1400 square miles.

Mr. REYES. And Sheriff Gonzalez, how many officers do you have?

Mr. GONZALEZ. Sir, I have 27 patrol officers in Zapata county. There are 997 square miles, but one thing we need to realize about Zapata county, Congressman Reyes, besides having the best bass fishing in the nation, and the largest producer of national gas in the nation, we have no police department.

We're one of only four counties in the whole State of Texas with no police department, no DPS presence. It is just the sheriff and his deputies, period. That's it.

Mr. REYES. In your conversation with the Members of Congress that you mentioned, that you brought down here, have you articulated all these challenges that you face, all your concerns about the lack of SCAAP funding, the lack of maybe funding through the Southwest Border Prosecutors Initiative, and those kinds of issues? Have you made those concerns known?

Mr. FLORES. These concerns have been addressed and we've sat down personally with Members of the legislature and the Congress up in Washington to discuss these issues, and again funding is very minimal.

Mr. REYES. Well, and believe me I—well go ahead, Sheriff.

Mr. GONZALEZ. May I elaborate also, Congressman Reyes, I was, I should say Congresswoman Jackson Lee as a witness, I was a witness in the panel with Congresswomen Jackson Lee, so, yes, these concerns have been made known to Congress. These concerns have been made known to the President of the United States, and we have had zero response.

Mr. REYES. How long have you been making those concerns known?

Mr. FLORES. We started making our concerns probably January 2005 when Sheriff Gonzalez and I——

Mr. REYES. So it's been longer than a year.

Mr. FLORES. Oh yeah.

Mr. REYES. We've gone, I can attest to it because I think we've gone through two funding cycles since you first started making those concerns. Are you frustrated that we haven't done anything to help?

Mr. FLORES. Well, I'm frustrated because when Sheriff Gonzalez and I sat together and, you know, we share counties adjacent to each other, he's been doing this longer than I have, and he's been calling everybody and all pretty much falling on deaf ears. So we got together and we hosted the first Texas Border Sheriffs Coalition here, and that's where it got the ball rolling.

Mr. REYES. And I hate to interrupt, but I've only got a limited amount of time. The last point I want to make, Sheriff Flores, is I know you were frustrated that the hearing in San Diego became more of an immigration issue than a border security issue.

Mr. FLORES. That's correct.

Mr. REYES. But let me just tell you from my years of experience of working the border, managing two sectors, dealing with this now as a Member of Congress, immigration is key because if we don't do something to address the flow of people that are coming to this country seeking a better way of life, then in that flow is where we become the most vulnerable. So I know it's a source of frustration to you because of the lack of perceived support from the U.S. Congress that you felt you've gotten in the last 2 years, but please understand we're trying to address issues that get to the root cause of why so many people are misinformed about border communities like Laredo.

So I appreciate your service and I apologize not having more time to give you an opportunity to address some of the other issues. Mr. Chairman.

Mr. BONILLA. Thank you, Mr. Reyes. Mr. Poe.

Mr. POE. Thank you, Mr. Chairman. I want to thank both the sheriffs for their work on this issue. I want to thank you both for coming to Washington, DC. You made an impression on those folks up there, the 16 of you that came up there to tell us the way the world really is.

The difference between the sheriffs, and no offense to the Border Patrol, is that you're from around here. You know who the people are, you grew up here in these communities, you know the border, you know the culture, and so that brings you a unique perspective in law enforcement.

I want to address a few issues with the both of you. You explained, Sheriff Flores, when you were in San Diego why the southern border is different, as far as terrorists are concerned, than the Canadian border, which is actually a longer border. Why would someone of Middle Eastern descent, al-Qaeda operatives, terrorists for lack of a better phrase, go and start south of the Texas border, and try to assimilate and come in to America, rather than start in

Quebec and come south from Canada? Can you explain that so that we can understand it?

Mr. FLORES. It's very simple, Judge. People that come across from Canada that look like you aren't going to be stopped. People that look like me, that are coming across Canada, maybe five or six of us, dark complexion, looking somewhat Middle Eastern, you know are sure going to be noticed. You're going to stick out like a sore thumb.

Over here in the border in Mexico, they pretty much blend in. So a lot of these people can come in to Mexico, learn the language, learn the culture, and of course get fake passports or fake IDs and then just camouflage themselves like Mexicans and come across.

And I want to share something, and I want to make something perfectly clear, that we are not here to judge people that are coming across, Mexicans. Mexicans are not terrorists. We're worried about the people who are camouflaging themselves as Mexicans to use and exploit the border to come into the United States. Like Congresswoman Blackburn said in San Diego, every community in the nation is a border community, because they end up going to their communities.

Mr. POE. I think your point is well made. This issue, this hearing has to do with terrorism, people who want to hurt the United States. It's not an immigration hearing. We can deal with immigration and what the right thing to do with immigration, but we can't do it until the borders are secure, both the northern border and the southern border, and we will do something that's fair and what's best for all concerned.

Let me go to a different issue. You have a guy working for you who's a Texas Ranger, Doyle Holdridge, maybe I shouldn't have used his name, and you kind of shocked some folks out there in San Diego by quoting something he said about the border. "After sunset on the Texas-Mexico border in certain places it gets western." What does that mean, "it gets western" down here?

Mr. FLORES. Well, we had the opportunity to be working along the county on the riverbanks when we do get to hear the gunfire going on in our sister city, and it's sad to know that the Mexican media has been completely muzzled from reporting the violence in Nuevo Laredo, Mexico, or Tamaulipas. We've even heard they've had gun battles that have lasted for up to 2 years—I mean, I'm sorry, 2 hours. And this is something that goes unreported.

Well, we hear that type of gunfire, and those people that are coming across, protecting their loads, whether it be narcotics or humans, and we've testified to this and people have testified to this and Border Patrol testified to this, that these people are coming armed. They used to not be armed.

Now they come armed and they shoot at us from the other side of the river. Border Patrol has been shot, and so have my deputies, and deputies from Zapata county as well.

Mr. POE. Couple more questions in the minute that I have left. Sheriff Gonzalez, when I was down here before you took me to some portions of the Texas-Mexico border but you wouldn't let me go down to the border unless I was armed and had on a bulletproof vest. Why is that that there are certain places on the Texas-Mexico

border that no one goes, unless they are armed, or have bulletproof vests?

Mr. GONZALEZ. Most of those areas are being protected by the drug smugglers, by the cartels. They have people doing surveillance there. They have night vision goggles, night vision equipment, high powered rifles, and they are there to protect certain areas, and if we get close to the border you will get shot at. Whether you have knowledge of this or not, just a few miles from here, El Cenizo, Texas, Border Patrol agents were being shot at for 3 days straight, trying to knock down their cameras and being shot at for 3 days, Judge Poe. So there are dangers on the border.

Mr. POE. I have one more question, Mr. Chairman. Do the drug dealers, the human smugglers, use the same routes, do they work together, and would it be easy for the third group, the terrorists, to work with these individuals to work their way into the United States and spread across our country? Either one of the sheriffs. And that's my last question.

Mr. FLORES. The cartels are in control of not only the narco trafficking, but also the human smuggling.

Mr. GONZALEZ. It's their plaza.

Mr. FLORES. It's their plaza.

Mr. BONILLA. Thank you, Mr. Poe. Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and to all the panelists. Sheriffs, as you well know, we sat down together and had a great opportunity to study this issue, which I think is the responsibility of the United States Congress.

Let me also say that it is important to acknowledge that all of us have been engaged in the importance of homeland security. I wish my good friends and colleagues had joined me in H.R. 4044, Sheriff, that you mentioned, that provided legislation that I authored that provided helicopters, power boats, motor vehicles, portable computers, radio communications, hand held global positioning devices, night vision equipment, body armor, uniform items and weapons to our Border Patrol, but also created 100,000 detention beds.

Unfortunately, the bulk of the majority didn't have the stomach to vote for this. They defeated it along party line votes in the Homeland Security Committee.

I think it's also important to remind you again as Ranking Member Reyes indicated that the White House zeroed out, in '06 and '07, this State Criminal Alien Assistance Program, which would have helped reimburse you for detention beds. So I think what we should be presenting to this region, a region that I have been on many occasions walked along the El Paso border, been here with Congressman Cuellar, we've seen the border night time and day time, understand that this is a city that is filled with richness of diversity, but also trade, and great opportunities and interaction and very safe.

I did not think one moment for coming to Laredo, which is different from Nuevo Laredo. And I think it's an important point to make. What I want to emphasize is how can we solve your problems, and that's why I'm concerned about the jurisdiction of this Committee, or whether or not we're masquerading and not having the jurisdiction and the intent to do what is necessary.

Let me say to you that this is about security. But isn't it important to be able to detect undocumented immigrants who come here for economic reasons, separate them out from the MS-13s, the drug dealers, and the terrorists.

Sheriff Flores, is that important to you, to know that MS-13s, the drug dealers, and the terrorists?

Mr. FLORES. First of all, it's kind of hard to classify it in only if we are able to identify tattoos that we can identify that they're organized with a—

Ms. JACKSON LEE. But if you had—I'm going to reclaim my time—if you had the intelligence and I say that intelligence that those kind of funding resources that would be collaborating with you, wouldn't that be very helpful to you in separating out undocumented immigrants from the MS-13s, the drug dealers and others, would that be helpful to you?

Mr. FLORES. Yes, yes.

Ms. JACKSON LEE. Sheriff Gonzalez, would that be helpful to you?

Mr. GONZALEZ. Yes, ma'am and I would like to elaborate a little bit on that, Congresswoman Jackson Lee. Funding is pending right now from the Governor's office of Texas to provide that type of technology.

Ms. JACKSON LEE. And let me also also add, let me because I have just a short period of time, let me make it very clear as well that in the legislation that I authored, I gave, if you will, provisions for Governors to declare emergencies, and have dispatched 1000 officers.

Let me get Mayor Salinas in to find out. We cannot live in a community where we are racially profiling, where we're confusing Sheriff Gonzalez with, if you will, individuals who would come from the Mid East who want to do harm. You were an FBI agent.

We know that the 9/11 terrorists came into this country illegally—excuse me, legally. It was a failure of intelligence. Help us understand how we can be more effective than having masquerading hearings about terrorism and not getting to what you need to have happen, and let me know is a wall going to help you, is creating felons out of those who are in the field picking grapefruits going to help you?

Mr. SALINAS. Well, let me address that. First of all, let me just make a point. We have 420 police officers here in Laredo who are on the front lines. What we need to do is work hand in hand, share intelligence, work together.

Forget about the territorial jealousies. We've got to get rid of that. We're working, the FBI right now is working with the Border Patrol, with the police department. We have those entities working together. The more heads are together, the safer this community is going to be.

To answer your question, Congresswoman, let me tell you a wall is not going to work. We do not turn our face on our friends. No les volteamos la cara a nuestros vecinos y nuestros amigos. Que esto declare. I am not going to turn my face on the citizens who provide 30 to 40 percent of economic prosperity to our city. That has to be clear.

I understand homeland security. I was an agent for 27 years. I worked terrorism. I know the issues. But we have to be prudent. We have to be smart. But I think we have to work together, all the law enforcement entities, first of all. And, you know, we're working together. What happened after 9/11? What did they say? What did the President say? CIA, FBI, DEA, you're——

Ms. JACKSON LEE. If I might, Mr. Chairman, you——

Mr. SALINAS [continuing]. Going to work together.

Ms. JACKSON LEE [continuing]. Didn't answer the question. Is creating felons of——

Mr. SALINAS. No.

Ms. JACKSON LEE [continuing]. Nuns and doctors and teachers going to help you as well?

Mr. SALINAS. No. I think it's ridiculous.

Mr. BONILLA. Thank you, Ms. Jackson Lee. One thing I'd like to point out as we look at this issue, and to the sheriffs that are here today, I know you would have had more of your colleagues here but there's a funeral service that's being conducted as we speak in Del Rio area to honor one of the fallen law enforcement heroes there.

But as you have pointed out, we have met in large groups before. Let me emphasize to you that we are every bit as much frustrated as you all have been in trying to have quicker action to secure the border and give you guys some backup. So don't think for a second that somehow we are putting it on the back burner or anything like that.

If people who walk in our shoes can sometimes affect change very quickly in some areas, but in others that involve a huge national policy, it does take some time. I feel good that we have moved the Executive Branch a little more our direction. It's been a slow turnaround but it's starting to turn our way, and so we're optimistic that help is on the way.

The debate has continued nationally on this, on immigration, comprehensive reform, and I believe that the issue that we're talking about here today involving border security has superseded any other aspect of immigration reform. So I just want to encourage you to keep going, because you guys are great spokespeople for this cause. So I wanted to emphasize that and let you know that you do have a lot of support.

I want to also emphasize again that this is not an issue about ethnicity. A lot of times when I tell the stories that you all have brought before me, we talk about bipartisanship, and the fact that people live along the border, in many cases Hispanic origin, that are also crying out for border security.

So those who are opposing us on border security oftentimes try to make it an issue of ethnicity, and it is not. Again, I pointed out earlier that the Governors of Arizona and New Mexico also declared a state of emergency, so be encouraged. I know this takes a lot of your time as well, and be encouraged by the fact that we're inching along, making progress. I want to just make that point.

To Mayor Salinas, earlier you had mentioned in your opening remarks about some needs for funding. I'd like to encourage you, again as a person who has represented this part of the State for many, many years, to establish more lines of communication with our office. I know you've only been in office a very short period of

time, but there are some things we can work on, and we've proven with some results over the years, and we'll be anxious to do that as well. Might make a point of getting together with Richard Martinez, who is my district director, and to connect you with some of my Washington staff as well.

And finally to Ms. Flores, I want to congratulate you on an incredibly successful time as mayor. Your remarks were well taken about the commerce that exists here, and the tremendous need. As you know, when free trade was implemented back in the '90s, under the previous Administration, I brought a bipartisan group down here because it was hanging in the balance.

The reason that this border community is thriving economically, and we're seeing all of the commerce go back and forth, is because back in the '80s, Reagan and Salinas made a decision back then that they were going to promote free trade, and it has been to the betterment for both nations. When President Clinton came into office, again we brought a bipartisan group down here. It was a dogfight to get that plan implemented, and we did.

The economic benefits to the border towns has been tremendous, which in turn benefits America. When I brought those Members down, I'll never forget how they were looking at the trucks going across the border, and they all had their license plates from their trucks that were heading. This is not about Laredo, the commerce, only. It's about how those goods move back and forth that are coming from America to be sold in Mexico and other countries, but also a lot of products that are heading north that Americans are buying. It's part of our free enterprise system. So I just want to make that point.

I don't have any questions. I think you all made your points very clearly. I look forward to working with you all in the future again to make further improvements in this area.

With that I'll yield to Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Mr. Chairman. I think that I want to focus my questions on immigration reform. The House of Representatives passed H.R. 4437 in January 2006, known as the Sensenbrenner Bill. This legislation is often billed as the enforcement only legislation.

The bill includes a number of provisions for increased penalties such as charging those who help an undocumented worker with a felony. It also provides for enforcement measures against illegal immigration. However, it is likely that we will not solve the border security problems until we develop a comprehensive approach to immigration reform, including provisions for temporary workers, which I support strongly.

Why? Because I believe that commerce and trade are very important to the prosperity of our country. If you reduce the need for illegal immigration, you will have fewer people sneaking across our borders. Border Patrol will be able to focus on those who pose a real threat to our security, and those are criminals and terrorists.

Let me ask my first question of former Mayor Flores and Mayor Salinas for your opinions of the Sensenbrenner Bill's approach to immigration reform. Do you agree that providing a rational process for temporary workers to enter the U.S. will reduce illegal immigration and make our border safer? If yes, why. If no, why.

Ms. FLORES. Congressman, absolutely. I think a guest worker program is needed very badly in this country, because most of the people, you know, they are accused of breaking the law. They do not come into this country with the idea of breaking any law. They come into this country with the idea of coming to work, and believe me if they had the option or the opportunity to go back home on a periodic basis, and then come back to work, they would.

They don't want to be here necessarily. They want to come and work here because there are employers that are coming to their villages and their towns and saying we need workers, and this is how much we will pay. And they realize that this will put food on the table. Their only requirement is get to my place.

And so if we had the ability to connect that employer with that worker, and that worker could decide whether to come in a 3-month worker's program, or a 6-month, or maybe even a month program, on his ticket, he pays, then I think that would work completely, and it would be safer for everybody, it would be better for the economy of the United States.

Mr. HINOJOSA. Thank you, Mayor Flores. What about our current Mayor Salinas?

Mr. SALINAS. I agree. I think a guest program would be good as long as it's implemented and monitored correctly. My mama taught me a long time ago, and she taught me good work ethics and, you know, I was in Mexico and I saw firsthand the suffering. But I saw a lot of people that were dedicated, hardworking. If you have a person who wants to work, and really just wants to help their families, and abide by the law, and just wants to support their kids, how can you deny someone, somebody the opportunity to help feed their families. And that's where I stand.

Mr. HINOJOSA. I've had representatives of companies like Bo Pilgrim out of Pilgrim Poultry Company come visit our offices in Washington. I've had representatives of John Tyson of the Tyson Poultry and Iowa Beef Packers talking about the lack of workers. Is it reasonable, it is possible to do what my friends on the other side of the aisle want to do, and that is to ship back all 12 million of these undocumented workers, and start over again and start documenting them as they come across the borders?

Mr. SALINAS. Well, I'll tell you where I stand. I concur with New York City Mayor Bloomberg, don't send them back. I mean I think it's callous, and I think you have to be humanitarian. A lot of us, a lot of us, our descendants are from Mexico, and I'm very proud of my culture, and if you have people abiding by the law, and working, and supporting the economy of the United States of America, we should be humanitarian and understanding and respectful.

Mr. HINOJOSA. Thank you, Mayor. I yield back.

Mr. ROYCE. Thank you. We're going to go to Mr. King.

Mr. KING. Thank you, Mr. Chairman. As I listen to this hearing here today, and the discussion that comes out both from the witnesses and the panel, it occurs to me when we talk about facts, statement that was made about facts by John Adams, when he defended the Boston Massacre event, and he said, "Facts are stubborn things. And whatever our wishes or inclinations or the dictates of our passions, they cannot alter the state of the facts and evidence."

With that statement I'd like to enter into the record my position that I feel no need to rebut the statement made by Mr. Reyes because he didn't challenge my facts, and again offer the olive branch for bipartisan effort on this immigration issue, and I very much appreciate being here. No matter how many immigration hearings that I have sat in on, no matter how much testimony that I hear, I cannot in the hearing room in Washington, DC, feel the tenure of your culture here in Laredo from that city there on the hill. So I'm very glad to be here to hear this testimony.

I would say that the general number that seems to come is about 4 million illegal crossings annually across our southern border, about 4 million. And of that, the Border Patrol testified or put out in records about 1,188,000 were actually stopped at the border and turned back. They think that perhaps 25 to 33 percent actually do get stopped, and the balance come through.

Some go back voluntarily, some do not. But out of that huge human haystack of humanity, you have in that haystack the needles called terrorists, criminals.

So with that huge haystack that we have, I would first direct my question to Sheriff Flores, how can you sort out of that huge haystack those terrorists and those criminals that seem to be of the most concern as a threat to the region here that we're here today?

Mr. FLORES. I think we started in the right direction. Technology is very important. I know that the Border Patrol is using the AFIS where they fingerprint these people and hopefully if they come back again, or we have some information on them being people from different ethnicities or different cultures, we can try to see if these people are recognizable in that area.

But it's very hard to determine who is really crossing our borders. I can tell you that Mexicans cross because they work. Guest worker programs are good. Some of these people don't know how to read or write, and they come to do labor work. They can't stand in line, or they probably don't even have a direction to go get a permit to come and work. But there are going to be people that we need to be concerned about that are exploiting the border and the infrastructure to be able to come into the United States.

Mr. KING. Let me submit the question this way and direct it to Sheriff Gonzalez. If we could reduce the size of that 4 million human haystack, would that make your job more manageable and could you be more effective in sorting out the criminals and the terrorists?

Mr. GONZALEZ. Yes, sir, and I agree with Sheriff Flores and the majority of the panel, that the people coming in from Mexico, coming in looking for a job. The thing is the ones we're worried about are the ones that are coming in with other intentions. And by doing what you're saying, Congressman King, yes, it would help.

In Texas, the Texas Intelligence Council, Office of Homeland Security of the Governor's Office, we're going to be implementing a system with Border Patrol, and any other Federal agency that wants to join, to be able to identify every person that gets arrested along the border to begin with, and then all the State of Texas, to compare it to FBI fingerprints to try to be able to get those people that are here illegally, as potential terrorists, to get them apprehended and put them into custody.

Mr. KING. I thank you. And I reflect upon identifying people, how important that is, and if we could direct all human traffic through our ports of entry then we could help control that, especially if we had good identification on both sides of the border. But on the south side of the border, and I'm speaking Mexico in particular, does anyone on the panel have a sense of what percentage of the population there has a legitimate identification, a birth certificate that actually was produced in a hospital, at their birth, one that wasn't necessarily purchased on the black market? Does anybody have a sense of, is it half of them have real legitimate identification?

Mr. FLORES. That's something that Border Patrol is already, they're differentiating whether they are illegal or not.

Mr. GONZALEZ. I don't have any idea.

Mr. SALINAS. Mr. King, 41 million Mexicans voted in the very tight election, but there are birth certificates. I know that, for instance, I worked on the railway killer murder, Resendez Ramirez, and I had to go through the records, and in the State of Tamaulipas they have a database, you know, where they have their birth certificates. I mean, so those are legitimate documents. They do have them.

Mr. KING. Let me pose this question another way if I might, and that is I understand that a significant percentage are not born in hospitals, and if they're not born in hospitals then there's not a birth certificate that's automatically provided, but it's something that one can purchase, but the documentation that supports that doesn't exist. So if we go to legalize guest workers, how can we know who the guest workers are if we can't identify them even in their foreign country?

Mr. ROYCE. If you'd like to respond. Time having expired, we're going to go to Mr. Gonzalez.

Ms. FLORES. There is a way to do it and the Mexicans go and register their children because it's a part of a system. There is a system in Mexico. We just need to help them improve it.

Mr. SALINAS. And additionally, in order for them to get benefits, they have to be registered.

Mr. ROYCE. Now we go to Mr. Gonzalez.

Mr. GONZALEZ. Thank you, Mr. Chairman. The first question will be directed to Sheriff Flores and Sheriff Gonzalez. First of all, my brother has been a deputy sheriff in Atascosa County with Tommy Williams for over 25 years. The hardest job out there in law enforcement, believe it or not, is a county level because you have the fewest number of personnel and the greatest area to actually patrol, so I'm very aware.

There's no one up there that doesn't share your concern with criminal activity, and property rights of those individuals and ranchers and farmers whose property is being destroyed, trampled on and so on. I understand that. There's no one up there that doesn't share your concern about the increased violence by the criminal element, whether they're trafficking in bringing people over here, or drugs.

But I'm trying to get back I guess to what Sheriff Flores was saying about is it about immigration or is it going to be about terrorists. So I'm going to go on the terrorist of this issue for a second.

When former Mayor Flores said did you feel unsafe coming to Laredo today, and we had many in this side of the audience that said yes. And you have to respect that. That's a sincere feeling of fear, all right. Should they be fearing when they come to Laredo, Texas, a terrorist attack? Sheriff Flores?

Mr. FLORES. No.

Mr. GONZALEZ. Sheriff Gonzalez, when they go to Zapata, I mean if they're traveling in South Texas should they fear a terrorist attack?

Mr. GONZALEZ. Terrorist attack per se, no, Congressman, but if you look at the definition, the FBI's definition of a terrorist, the only difference between the cartels and an actual terrorist is just the difference between overthrow of government and religious beliefs. That's the only difference.

Mr. GONZALEZ. Well, yeah, we can go into that debate. I just want to make sure that we address the fears and concerns of certain individuals that are attending here. What should be their fears? Their fears obviously are being victims of a criminal act by a criminal. Being kidnaped, being robbed. I understand that. Whether it's Laredo, Zapata or New York City, or Washington, DC, and we can speak to that.

The other thing I wanted to point out was, again to the sheriffs here. If someone has been, an undocumented worker and his family have been in the United States for a minimum of 2 years, maybe even exceeding 5 years, would it help you at all as to the criminal element that you're combating, or the possibility of terrorists plugging into the pipeline, the criminal activity pipeline, would it assist you in any way for us to deport 12 million people, or individuals that had been here in this country? I mean how does that aid you in this war on terrorism and the war on criminal activity? Sheriff Flores.

Mr. FLORES. Well, first of all you got 14 million people that are here illegally and working. Of course you're going to have some that fall through the cracks and are going to be criminals, and those that are criminals, I know that the Federal Government prosecutes them and deports them. You're going to have them back next few days.

Mr. GONZALEZ. But would it assist you in any way, let's say it's physically, financially possible to deport everybody, does that aid Sheriff Flores or Sheriff Gonzalez in combating the criminal element coming across the border, or the criminal activity and the gunfire that you hear at night, or the potential for terrorists to plug into that pipeline?

I've got another question, so I guess just a yes or no, does that help you?

Mr. FLORES. I can tell you no, because these people——

Mr. GONZALEZ. And that's good enough for me.

Mr. FLORES. I've already said Mexicans are not terrorists.

Mr. GONZALEZ. All right and, Sheriff Gonzalez, would it help you if you we just deported——

Mr. GONZALEZ. It would help maybe 1 percent, you know, very, very little.

Mr. GONZALEZ. All right, very good. Would it help if we had more severe and aggressive employer sanctions? In other words, raise

those fines to something that would really make an impression on that employer who is just as guilty as the undocumented worker, when they thumb the nose at the laws of the United States, because it takes two to tango on this one, and then with the proceeds that we would get we would divide it equally among the Federal Government, the State, the county, and the city. Does that make sense? Increase the fines, more aggressive prosecution of employers, and then dividing the money among all the governmental entities that are incurring expense as a result of the illegal hiring of individuals here in this country?

Mr. FLORES. Mr. Gonzalez, that's a debate that you're going to have to take on with your colleagues.

Mr. GONZALEZ. I want to know does it help you. Are you telling me that more money from Washington, that is directly derived from the illegal activity of someone in your district or your area, wouldn't assist you? I mean either you want the funds to be adequate, don't you think the guilty parties should be the ones that maybe should be funding those costs that you're incurring as a result of their illegal acts?

Mr. GONZALEZ. May I answer just a little briefly, and I'll be as brief as I can, Congressman Gonzalez.

Personally I agree with employer sanctions, and let me say why. We have people now, right now in Zapata county and elsewhere in this nation that go out there and hire illegal immigration at \$5.15 an hour minimum wage, and then they charge them half of that wage for living quarters that are cramped up in mobile homes, and they end up making about \$2.50 an hour per day in 110 degree weather in the fields, being brutalized and victimized. So, yes, to a certain degree I do.

Now, as to the money coming back to the local government, sir, that is another broken promise just like SCAAP. That will never happen, sir.

Mr. GONZALEZ. Well, I'm saying if we specifically—that's because we didn't earmark it. But I'll tell you this, Sheriff Gonzalez and Sheriff Flores, that was my amendment. I did not get, and be honest with you I didn't get enough Democrats, but I did not get one Republican on the other side of the aisle to say maybe we ought to divide the money that we derive from the illegal actors in that transaction. And so I appreciate your concern, Mr. Gonzalez, on the exploitation of these families.

I yield back. Thank you, Mr. Chairman.

Mr. ROYCE. I thank the gentleman for yielding back. I should mention that in the House passed Border Enforcement Bill, we do indeed have an increase in employer sanctions.

Mr. GONZALEZ. But you have three strikes and—

Mr. ROYCE. In the Democratic recommittal we did not.

Mr. GONZALEZ. Mr. Chairman, that was my amendment and I was able to actually talk on the Floor with Chairman Sensenbrenner. You've got three strikes and then you're out.

And then you know what they also have in that bill, if you contract out to an independent contractor, do all your hiring, guess what. You'll never be found guilty of illegal hiring. So guess what the employer is going to do, and they're going to hire individuals that have no accountability, no assets, and cannot pay that fine,

once they are actually prosecuted and fined. That's what that Sensenbrenner bill does.

Mr. ROYCE. Our hope, my hope is that we move forward with the illegal employer sanctions that we have in the legislation, and again in the recommittal there was no mention of employer sanction. So I think that bill it out of the House. We'll see what happens in the Senate on employer sanctions. But I'm in concurrence with you on employer sanctions.

We're going to go now to Mr. Marchant.

Mr. MARCHANT. Thank you, sheriffs and mayors. I started my career as a mayor 26 years ago in my hometown.

What single largest specific policy conflict with Federal agencies do you believe is undermining your ability to secure our borders?

Mr. FLORES. It's simple—money. We need more funding. Our counties do not have the adequate tax base to be able to fund public safety, and I'm going to reiterate that we have been providing border security for a very long time, and the thing is that first responders need help. We just don't have that tax base. We'd like to assist Border Patrol in helping them, like they help us, and this is something that needs to be done now. We are here post-9/11 and I saw a chart in San Diego by Congressman Sherman saying that under the Clinton Administration they beefed up Border Patrol by 45 percent. And under the Bush Administration they've only beefed it up 15 percent.

So, yeah, Border Patrol needs more people, and so do the counties along the borders, because we are the ones with the least amount of funding. We don't have a big tax rate. So we need to be able to have additional people, additional boots on the ground so we can provide that type of vigilance. Are we going to stop it completely? Probably not. But we'll make a bigger impact.

Now, another thing that's very important is a virtual wall. I disagree with having a wall here. We can use technology to be able to look at what's going on in our riverbanks, and what's coming across, tip off people, be on the same page with the sheriffs who can assist in arresting these people and putting them behind bars. That's the whole purpose of it. And at the same time provide vigilance for those who are trying to come across to do harm to the United States of America.

Mr. GONZALEZ. May I elaborate also, Congressman? You asked for what agency?

Mr. MARCHANT. What specific policy conflicts do you have?

Mr. GONZALEZ. The policy as far as we're concerned as a coalition, Congressman, is that we have had tremendous help from many Congressmen, by having bipartisan support. Congressman Jackson Lee with her 4044, 4360, the Section 607. The problem we have, sir, honestly is that many of you have signed letters to our President, asking for support from us. It's not an agency, rather an office, the Executive Officer has just not been very helpful whatsoever, and that is what's hurting us in funding, not only for sheriffs but for everybody else along the borders.

Mr. MARCHANT. Mayors.

Mr. SALINAS. I'd just like to say that the important thing is communication with everyone. I think that first of all we have to be on the same page. If we don't communicate with each other, it

seems it's always about money, money, money, but if we don't have our troops together, everybody working in line on the same frequency. I think that's most important in order to operate effectively.

Ms. FLORES. Congressman, and I would add that I think in my experience the biggest detriment in coming out of Washington for cities like Laredo that are border cities that have police forces that have been securing the border for as long as I can remember, you can't, and you will know this, you cannot leave Laredo on plane, train or automobile without somebody asking you your citizenship. It has been the fact that the Federal Government sends all kinds of funding, especially Homeland Security funding, to the States, and then the State divvies it up. We believe that it should be in block grants. We believe that it should come directly to the city.

Mr. MARCHANT. Thank you.

Mr. ROYCE. Thank you. I want to thank all our witnesses here on this panel, and we are now going to hear from our third panel. We very much appreciate it.

[Recess.]

Mr. ROYCE. I'm going to ask everyone to take your seats in the audience. We have our third panel. We're going to hear now from our third panel, if everyone could take their seats. Thank you.

Mr. Gregory Kutz is the Managing Director of the Government Accountability Office, Forensic Audits and Special Investigations Unit. The mission of this unit, they call the unit FSI, is to provide the Congress with high quality forensic audits and investigations of fraud, waste and abuse, and evaluations of security vulnerabilities and other requested investigative services. This unit also monitors and manages fraud, waste and abuse tips received from the GAO's fraud hotline.

Now let me go to our second witness and introduce Mr. Blas Nunez-Neto. He has been an analyst for domestic security at the Congressional Research Service since July 2004. During the past 2 years he's authored or coordinated CRS reports on a wide range of security related issues, including reports on the Border Patrol, fences along the U.S. international border, immigration enforcements, and Department of Homeland Security appropriations. He has received four distinguished service awards for his work behalf of the United States Congress.

So we're going to go first to Mr. Gregory Kutz. We're going to ask you if you could keep it to 3 minutes, summarize your testimony, and then we'll go to 3 minutes from the Members of the panel.

Mr. Kutz.

**STATEMENT OF MR. GREGORY KUTZ, MANAGING DIRECTOR,
FORENSIC AUDITS AND SPECIAL INVESTIGATIONS, U.S. GOV-
ERNMENT ACCOUNTABILITY OFFICE**

Mr. KUTZ. Thank you, Mr. Chairman and Members of the Subcommittee and other Members of Congress.

Mr. ROYCE. In deference to Mr. Kutz I'm going to request that we take the conversations outside the meeting room, so that we can hear our witnesses. Mr. Kutz.

Mr. KUTZ. Thank you for the opportunity to discuss our undercover operation to test border security. This operation had three ob-

jectives first, to determine whether radiation portal monitors work; second, to observe the reaction of CPB inspectors to our test; and third, to see if we could beat the system with a ruse. As I describe our operation, I will address all three objectives along with several other key facts and findings.

We tested two ports of entry that had radiation portal monitors installed, one at the United States-Canadian border, the other at the United States-Mexican border. For each border crossing we used radioactive sources commonly used in industry, and sufficient to manufacture a dirty bomb. It is important to note that a dirty bomb would contaminate an area, and could result in significant loss of business, and cleanup costs. While the blast from the explosives could result in some deaths, the dirty bomb generally would not contain enough radiation to kill people, or to cause serious illness. Thus the dirty bomb is generally considered to be a weapon of mass disruption, rather than a weapon of mass destruction.

We purchased a small amount of our material from a commercial supplier over the telephone using a fictitious company, and a fabricated story. Note that we could have purchased all of our radioactive sources using the same fictitious company and fabricated story. It's also important to note that our fictitious company was from the Washington, DC, area, and all of the radioactive sources that we purchased were shipped to our nation's capitol. In preparing for our operation we also used counterfeit NRC documents. We also produced a logo for our fictitious company, and a counterfeit bill of lading.

On December 14, 2005, two teams of investigators simultaneously crossed the north and south border. The sources of radiation in the trunks of both vehicles were sufficient to make a dirty bomb. The radiation portal monitors properly signaled the presence of radiation when we entered the United States from both Canada and Mexico.

Although both of our vehicles were inspected in accordance with CBP policy, our ruse was successful and we were able to enter the United States from both Canada and Mexico with our radioactive sources. The CBP inspectors never validated the existence of our fictitious company, or questioned the authenticity of our counterfeit bill of lading and NRC documents. I understand actions have been taken to address the use of counterfeit NRC documents at the borders.

Mr. Chairman, this ends my statement. I want to also recognize Special Agent Rich Egan who is with me, who participated in the crossings, and he would also be available to answer your questions.

[The prepared statement of Mr. Kutz appears in Part I of this hearing—June 5, 2006.]

Mr. ROYCE. We thank you very much, Mr. Kutz, for your good work.

We'll go now to Mr. Nunez-Neto.

STATEMENT OF MR. BLAS NUNEZ-NETO, ANALYST, DOMESTIC SOCIAL POLICY DIVISION, CONGRESSIONAL RESEARCH SERVICE

Mr. NUNEZ-NETO. Thank you, Chairman Royce, Ranking Member Reyes, and Distinguished Members of Congress for the invitation

to appear before you today. My testimony will focus on the steps that DHS through CBP has taken to address the security of our international border, both at and between ports of entry, since 9/11 in order to prevent the entry of terrorists.

At all air and seaports, CBP officers use the United States Visitor Immigrant Status Indicator Technology Program, or US-VISIT, during primary inspection to verify the identity of individuals attempting to enter the United States with a visa. However, at land POE the system is only being used during secondary inspection, and typically only about 1 percent of travelers are subjected to secondary inspections.

The exit component of the US-VISIT system is currently being piloted at 12 airports and two seaports. It is unclear what the time table for deploying the exit components of the US-VISIT system at POE is.

The *9/11 Commission Report* identified the completion of a biometric entry exit screening system as being an essential investment in our national security. Without verifying the identity of travelers who leave the United States, DHS has no easy way of identifying the individuals who overstay their visas. Given that all of the 9/11 terrorists entered the country through ports, and that some of them overstayed their visas, it could well be argued that this represents a weakness in our border security system as it is currently configured.

The 9-11 Commission also recommended that all border screening systems, including frequent traveler programs, should be consolidated into the US-VISIT system, and that all travelers entering the United States be subject to biometric identity verification, not just those requiring visas or from visa waiver countries. As it stands today, most of these systems continue to operate separately, and the large majority of people entering the United States, Mexican Nationals with laser visas and Canadian Nationals, are exempt from being entered into the US-VISIT system.

Between ports of entry the Border Patrol is the lead agency charged with the securing the border, and since 9/11 the Border Patrol has refocused its strategy on preventing the entry of terrorists and weapons of mass destruction. Congress has emphasized border security between ports by funding a large increase in resources for the Border Patrol, including more than doubling Border Patrol manpower over the last decade, and deploying advanced force multiplying technologies, including sensors, cameras, and unmanned aerial vehicles to areas along the border. However, the DHS Inspector General has recently raised some questions about the effectiveness of these technologies. The large majority of aliens apprehended at the border each year are Mexican Nationals, however, over the last 3 years apprehensions of other than Mexican Nationals have more than quadrupled.

While the threat of terrorist infiltration along the southwest border may be ever present, the actual numbers of people from countries known to harbor terrorists or promote terrorism trying to enter the United States has been declining somewhat. However, this sheer increase non-Mexican aliens coming across the border makes it more difficult for Border Patrol agents to readily identify

and process each OTM, thereby increasing the chances that a potential terrorist could slip through the system.

It is unclear how many aliens of any nationality, much less those from special interest countries, have evaded capture by the Border Patrol each year and succeed in entering the United States illegally. A potential issue for Congress, however, is the indication that despite the downward trend in special interest OTM apprehensions, hundreds of people from countries known to harbor terrorists or promote terrorism are caught trying to enter the United States illegally along the border.

In sum, since 9/11 DHS and Congress have taken some significant steps toward addressing the vulnerabilities of our border, both at and between ports. However, many observers, including the 9-11 Commission, believe that significant work remains to be done. While there is little doubt that the nation is safer today than it was 5 years ago, a question for Congress to consider is whether the nation is safe enough. Thank you.

[The prepared statement of Mr. Nunez-Neto follows:]

**Testimony before the U.S. House of Representatives
House Committee on International Relations
Subcommittee on International Terrorism and Nonproliferation**

By

**Blas Nuñez-Neto
Analyst in Domestic Security
Domestic Social Policy Division
Congressional Research Service**

July 7, 2006

Thank you Chairman Royce, Ranking Member Sherman, and Distinguished Members of the Subcommittee for the invitation to appear before you today to speak about immigration-related border security. I am Blas Nuñez-Neto, an Analyst in Domestic Security at the Domestic Social Policy Division of the Congressional Research Service. As you know, Customs and Border Protection (CBP) within the Department of Homeland Security (DHS) is responsible for securing our nation's borders at and between official ports of entry (POE). In the wake of the terrorist attacks of September 11, 2001, the security of our borders has become of paramount importance to national security. My testimony will focus on the steps that DHS, through CBP, has taken to address the security of our international border at and between POE since 9/11 in order to prevent the entry of terrorists.

At POE, CBP officers are charged with inspecting all the individuals that present themselves for entry into the United States. The Immigration and Nationality Act requires the inspection of all aliens who seek entry into the United States at POE; and in some cases allows for preinspection when departing a foreign country on route to the United States. The purpose of the inspection is to determine the admissibility of a traveler to the United States. Primary inspection, the first level of inspection, consists of a brief interview with an immigration inspector, a cursory check of the traveler's documents and a query of the Interagency Border Inspection System (IBIS). At all air and sea POEs, CBP Officers use the United States Visitor Immigrant Status Indicator Technology Program (US-VISIT) system during primary inspection to verify the identity of individuals

attempting to enter the United States. According to CBP, US-VISIT has been deployed to all POE. However, at land POE the system is only being used during secondary inspection, and typically only about 1% of travelers are subjected to secondary inspections. The exit component of the US-VISIT system is currently being piloted at 12 airports and 2 seaports. It is unclear what the timetable is for deploying the exit component of the US-VISIT system to all POE. The 9/11 Commission report identified the completion of a biometric entry-exit screening system as being “an essential investment in our national security.” Without verifying the identity of travelers who leave the United States, DHS has no easy way of identifying the individuals who overstay their visas. Given that all of the 9/11 terrorists entered the country through POE, and that some of them overstayed their visas, it could be argued that this represents a weakness in our border security system as it is currently configured.

The 9/11 Commission also recommended that all border screening systems, including frequent traveler programs, should be consolidated into the US-VISIT system, and that all travelers entering the United States be subject to biometric identity verification (not just those requiring visas or from visa-waiver countries). The 9/11 Commission noted that even when individuals from visa-waiver countries were added to the US-VISIT system, only 12% of the non-citizens crossing the U.S. border were required to register with US-VISIT. As it stands today, most of these systems continue to operate separately, and the large majority of people entering the United States (Mexican nationals with laser visas and Canadian nationals) are exempt from being entered into the US-VISIT system. While Mexican nationals entering the country with laser visas have undergone background checks and are required by law to have their identities verified through the Biometric Verification System (BVS), this system is operational only at secondary inspection at selected land POE and thus is not being used to verify the identity of the majority of the Mexican nationals entering with laser visas.

Another recommendation of the 9/11 Commission directly concerning POE was the elimination of the so-called “Western Hemisphere Exception,” whereby U.S. Citizens returning to the United States from Western Hemisphere countries, and Canadian nationals, Mexican nationals with a laser-visa, and citizens of some island nations entering the United States from the Western Hemisphere, are not required to present passports. Congress took steps to address this issue in the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004. Section 7209 of IRTPA required that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, “deemed by the Secretary of Homeland Security to be sufficient to denote identity and

citizenship," for all travelers entering the United States by January 1, 2008. This new program has been referred to as the Western Hemisphere Travel Initiative (WHTI).

DHS issued a preliminary notice of rule-making for the WHTI program on September 1, 2005. The proposed plan requires all U.S. citizens, Canadians, citizens of the British Overseas Territory of Bermuda, and citizens of Mexico to have a passport or other accepted secure document to enter or re-enter the United States by January 1, 2008. The plan is to become effective in two phases:

- December 31, 2006, applied to all air and sea travel to or from Canada, Mexico, Central and South America, the Caribbean, and Bermuda.
- December 31, 2007, extended to all land border crossings as well as air and sea travel.

On January 17, 2006, DHS and the Department of State announced plans to implement a new registered traveler program under the auspices of the WHTI by the end of the year. This program would be known as the People Access Security Service (PASS) system, and it would feature a driver's license sized card which would incorporate a biometric and which would be cheaper than a passport. However, DHS has yet to issue technical standards for the PASS card, leading the Travel Industry Association of America to note that the "industry is becoming increasingly concerned about the limited progress that [DHS and the State Department] have made in the 15 months since [the Intelligence Reform and Terrorism Prevention Act] was enacted, including the last few months since PASS was unveiled officially." It is still unclear when DHS plans to release these technical standards, and what effect this will have on POE infrastructure and wait times at the border. In recent years, a number of different technologies, including the US-VISIT program, have been rolled out to POE. Many observers have warned that the current infrastructure at the border is not adequate to accommodate these technologies without adversely impacting wait times at the border. With the advent of the WHTI, the demand for improved infrastructure will continue to be critical.

Between POE, the United States Border Patrol is the lead agency within CBP charged with securing the border—an important part of our overall national security strategy. In 1994, the Border Patrol began implementing a strategy to deter illegal entry known as "prevention through deterrence." This strategy's goal was to raise the risk of being apprehended to the point where aliens would be dissuaded from trying to enter. The strategy called for placing Border Patrol resources and manpower directly at the border along the areas of greatest illegal migration in order to detect, deter, and apprehend aliens attempting to cross the border between official points of entry. This deployment

reflected the Border Patrol's goal of rerouting the illegal border traffic from traditional urban routes to less populated and more geographically challenging areas, providing Border Patrol agents with a tactical advantage over illegal border crossers and smugglers. There have been some unintended consequences to this strategy, however, including an increase in the number of migrant deaths along the border, the increasing visibility of illegal immigration as individuals who used to cross into border cities and melt into the population now cross geographically isolated areas, and some evidence that those individuals who succeed in entering the country are staying longer than they used to.

After September 11, 2001, the Border Patrol refocused its strategy on preventing the entry of terrorists and weapons of mass destruction. In order to prevent and deter terrorist entry, intelligence and surveillance operations have been focused on known smuggling operations that have previously trafficked aliens from countries known to harbor terrorists or promote terrorism. The Border Patrol also coordinates and shares intelligence with Canadian and Mexican authorities. It is important to note, however, that the increased emphasis on preventing terrorist entry into the United States did not change the scope of the Border Patrol's mission -- preventing unauthorized aliens from entering the country. Since 1997, the Border Patrol has averaged 1.28 million apprehensions each fiscal year (FY); the vast majority (97%) of these apprehensions occur at the southwest border. As a result of this, the Border Patrol deploys roughly 90% of its agents to sectors along the border with Mexico. Congress has emphasized border security between POE by funding a large increase in resources for the Border Patrol. Appropriations for the Border Patrol have grown steadily, from \$1.06 billion in FY2000 to \$1.74 billion in FY2006--an increase of 64%. Accompanying the budget increase, Border Patrol manpower has more than doubled over the past decade. At the end of FY2005, the Border Patrol had 11,268 agents on board.

Apprehensions increased steadily through the late 1990s, reaching a peak of 1.65 million in 2000. From 2000 to 2003 apprehensions declined steadily, reaching a low of 905,065 in 2003. In FY 2004, apprehensions increased by 26 percent to 1.15 million; apprehensions remained relatively stable in FY2005, increasing slightly to 1.19 million. Some argue that the increase in apprehensions over the last two years was due to the President's guest-worker plan, which may have given would-be immigrants an incentive to enter the country illegally. DHS has maintained that the increase was due to the increase in agents assigned to line-watch duty along the Arizona border as a result of the Arizona Border Control initiative. The number of other than Mexican (OTM) apprehensions remained relatively stable from 1997 to 2002, averaging almost 37,000 a year over the six-year time period. Over the last three years, OTM apprehensions have more than quadrupled, increasing by

343% to 165,175 in FY2005. This trend contrasts with the apprehensions of Mexican aliens, which have remained relatively stable over the same period. CBP reports that through June 26 in FY2006 (or roughly 3/4 of the fiscal year), the Border Patrol has apprehended 81,181 OTMs. While this appears to be a reduction from the number of OTMs apprehended in FY2005, it nevertheless remains considerably higher than the number of OTMs apprehended in the late 1990s. There are a variety of factors that may be underlying this rapid increase, but one possible reason for the influx of non-Mexican migrants may be the growing international awareness that a “loophole” may exist in the U.S. immigration system, whereby the lack of detention bedspace leads to many OTMs being released on their own recognizance into the interior of the United States. Along the Texas border, for example, 80% of the OTMs apprehended in FY2005 were released on their own recognizance due to a lack of available detention space.

In keeping with the national focus on preventing another terrorist strike, DHS is to pay special attention to OTMs apprehended by the Border Patrol who originate from 35 nations designated as “special interest” countries known to harbor or promote terrorism. OTMs from special interest countries are to be processed more carefully by the Border Patrol. In addition to the normal background checks that are conducted, the Border Patrol is to notify the FBI, the Joint Terrorism Task Force, and the National Targeting Center in order to consult with counter-terrorism specialists concerning the OTM in question. Much like overall OTM apprehensions, special interest apprehensions remained relatively stable from FY1997 to FY2001. However, while overall OTM apprehensions have increased by 343% from FY2002 to FY2005, special interest OTM apprehensions have declined by 24% over the same period. In other words, during this period in which the Border Patrol has been apprehending rapidly-increasing numbers of non-Mexican aliens, the number of aliens being apprehended from special interest countries has actually been decreasing. Nevertheless, the data indicate that each year hundreds of aliens from countries known to harbor terrorists or promote terrorism are apprehended attempting to enter the country illegally between POE.

While the threat of terrorist infiltration along the southwest border may be ever-present, the actual numbers of people from countries known to harbor terrorism trying to enter the United States has been declining somewhat. However, the sheer increase in non-Mexican aliens coming across the border makes it more difficult for Border Patrol agents to readily identify and process each OTM, thereby increasing the chances that a potential terrorist could slip through the system. Moreover, there are no reliable data concerning how many OTMs evade apprehensions and successfully enter the country illegally across the border. While there is no documented evidence that terrorists have

attempted to cross or been apprehended crossing the land border between POE, testimony by DHS acting Secretary Admiral James Loy suggested that Al-Qaeda is considering infiltrating the Southwest border due to a belief that "illegal entry is more advantageous than legal entry for operational security reasons." Additionally, there have been various reports that terrorist organizations, including Al Qaeda, have been operating, recruiting members, and may be training terrorists in South American countries, including Argentina, Brazil, and Paraguay. It is unclear how many aliens of any nationality, much less from special interest countries, evade capture by the Border Patrol each year and succeed in entering the United States illegally. A potential issue for Congress is the indication that, despite the downward trend in special interest OTM apprehensions, hundreds of people from countries known to harbor terrorists or promote terrorism are caught trying to enter the United States illegally along the land border.

Along with a rapid increase in manpower over the past decade, the Border Patrol has invested in a wide array of technologies at the border, including camera and light installations, underground sensors, and unmanned aerial vehicles (UAVs). DHS considers these technologies to be force multipliers, because they augment agents' abilities to detect illegal entries. However, a DHS Inspector General (IG) review of the Border Patrol's Remote Video Surveillance (RVS) system found that the system was never integrated as originally intended, and that cameras and sensors were not linked to each other but instead had to be monitored and manipulated by Border Patrol staff. The DHS IG concluded that, due to this lack of integration, the Border Patrol's "remote surveillance technology yielded few apprehensions as a percentage of detection." The DHS IG also found that deficiencies in contract management and processes resulted in 169 incomplete RVS sites. The use of UAVs at the border has been of much interest to Congress over the past few years. IRTPA included two provisions requiring DHS to pilot the use of UAVs at the border. However, there are some structural issues with the deployment of UAVs at the border. The Federal Aviation Administration requires that all aircraft operating in U.S. airspace have the ability to detect and avoid other aircraft. Where UAVs are concerned, this means that CBP personnel at the Air and Marine Operation Center (AMOC), who typically monitor all the air traffic over the United States at any given time, must be dedicated to tracking the UAV. This could present a strain on AMOC resources, especially if large numbers of UAVs are deployed to the border. In sum, the use of advanced technologies at the border to augment Border Patrol agents' ability to detect illegal entry has been important both to DHS and to Congress. However, despite the growing use of technology to augment agent manpower in detecting intrusions, Border Patrol agents must still make the apprehensions.

Lastly, in addition to placing agents and technology on the border the Border Patrol began erecting physical barriers to deter illegal entries and drug smuggling in the early 1990s. In 1996, following the recommendations of a Sandia National Laboratory study, Congress directed the Border Patrol to erect a 14 mile-long triple layer fence in San Diego Sector. These fences have historically been constructed by the National Guard under the supervision of the Corps of Engineers. Under a memorandum of understanding between DHS and the Department of Defense, CBP was responsible for providing the funding for planning, engineering, and purchasing materials, while the construction was undertaken by military personnel at no charge. However, DHS notes in its FY2007 Congressional Budget Justifications that using this traditional approach would take until 2010 to finish the projects currently underway. For this reason, the requested increase for tactical infrastructure includes funds for a commercial contract to construct almost half of the vehicle barriers in Arizona. DHS argues that it is at a critical point in its deployment of personnel and other resources at the border, and proposes using private contractors to accelerate the construction of this infrastructure. A potential issue for Congress could involve whether using private contractors to construct border infrastructure is the most cost-effective allocation of taxpayer resources given that under the current MOU with the Corps of Engineers CBP incurs no labor costs for these projects.

In sum, since 9/11 DHS and Congress have taken some significant steps towards addressing the vulnerabilities of our border both at and between POE. However, many observers, including the 9/11 Commission, believe that significant work remains to be done. While there is little doubt that the nation is safer today than it was five years ago, a question for Congress to consider is whether the nation is safe enough. Thank you once again for your invitation to be here today, and I am at your disposal for any questions you may have.

Mr. ROYCE. Thank you. You indicated that the number of OTMs in 3 years have quadrupled, in terms of coming over the border, in terms of numbers, and you referenced the visas on 9/11 which had expired. Now, in the House passed legislation we have the funding to reimburse the border sheriffs for a lot of their work on the border, and we have closer cooperation between the Border Patrol and those in local law enforcement.

Part of the thought here is 700,000 people in State and local law enforcement could be a force multiplier for the border. In the Senate bill the opposite tack is taken. There was a provision in the Senate bill with regards to the 9/11 issue of the pilots who had overstayed their visas, given speeding tickets, and then had local law enforcement actually checked the visas they would have seen they were expired, this particular provision disallows in the future the kind of cooperation between immigration authorities and local law enforcement.

So one of the debates that is going on is whether or not those who want a firewall, and that's the American Immigration Lawyers Association, Senator Kennedy's staff advanced this argument, we should separate the activities of State and local law enforcement, not have them have the ability really to get into the business of ICE or our immigration authorities. I would just ask you in terms of this concept of the force multiplier is it beneficial? Is it beneficial to have the sheriffs or local law enforcement able to check these expired visas?

Mr. NUNEZ-NETO. Well, I think that some sheriffs, such as the ones who spoke today, are obviously very much in favor of having access to that kind of authority. Other sheriffs who have spoken on this issue also tend to emphasize their concerns that if they start enforcing immigration law that witnesses will be harder to come by, that illegal immigrants will be less likely to contact them if they see crimes, or if they're victims of violence.

So I really think it's obviously a question of which of those two perspectives you agree with. Obviously being someone from CRS, I'm not allowed to have an opinion on these matters.

Mr. ROYCE. Let me ask you, we heard this morning about the need for increased technology at the border. You stated that the Department of Homeland Security IG has questioned this technology. Would you like to elaborate on that?

Mr. NUNEZ-NETO. Sure. The Inspector General basically concluded that the technologies that are currently being deployed at the border are not integrated, whereby if a sensor goes off the cameras don't automatically pan over to see that area, and don't raise an automatic alarm, which means that there has to be someone at the Border Patrol communication center monitoring those cameras constantly. And so the IG concluded that moving forward, any technologies that are deployed to the border should function in an integrated manner.

Mr. ROYCE. Thank you. We'll go to Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman. Having had the experience to use those kinds of systems and those kinds of cameras, the ability to slew to cue, which is what the technology is called, when there's a sensor goes off the camera would automatically go there, would still necessitate a dispatcher to be able to, because of officer

safety, to be able to tell the agents what is on the monitor, and are they carrying something, and things like that. By the way, all that kind of technology is vitally important I think to provide not only as a force multiplier, but officer safety and the ability to have a recorded record of exactly what the border is, not just like but it's experiencing.

Mr. Chairman, I would like to ask unanimous consent to include the charts that Sheriff Flores was referring to in the *Congressional Record* on the increases.

Mr. ROYCE. Without objection.

Mr. REYES. Thank you. I just have probably one question for Mr. Kutz in respect to the limited time we have, Mr. Chairman. Do we have enough radiation portals and was it not the case that the dirty bomb material was detected, but was let into the country because of the false documents that were presented? Is that an accurate characterization?

Mr. KUTZ. Yes, the technology worked, the machines went off, and actually the secondary inspections went as CBP policies call for, but they did not have policies to identify counterfeit documents for NRC.

Mr. REYES. Thank you very much. Thank you, Mr. Chairman. I yield back.

Mr. ROYCE. Thank you. Mr. Poe.

Mr. POE. Thank you, Mr. Chairman. Thank both of you for being here. I've got a couple of issues I want to discuss. Right now as you know we use a lot of different documents to allow people to lawfully enter the United States. I think it's around 8000 documents the Border Patrol has to be versed in, everything from baptismal certificates to birth certificates, to let people in. Last year there were 83,000 people crossing our borders illegally with forged documents that were caught and prosecuted.

My question is the 9-11 Commission recommended one or two at the most universal documents to make identification easier, and also make crossing the borders easier by people that are lawfully coming across. One of those is a passport. Do you think that a passport with bar card, and a visa with a photograph that would help employers know that they're hiring a legal resident from some other country, would be beneficial as far as an issue of national security goes, instead of using 8000 different documents?

Mr. KUTZ. Yes, from a security standpoint we would concur with that, and I think that something that matches the person to the identity conclusively is really ultimately where they need to be, and hopefully that wouldn't slow down commerce.

Mr. NUNEZ-NETO. I'd also like to add that in the Intelligence Reform and Terrorist Prevention Act, Congress in fact mandated that by January 1, 2008, all travelers presenting themselves for entry into the U.S. present a passport or another document or combination of documents deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship. That's known as the Western Hemisphere Travel Initiative, so something like that is in the works. The question is whether it's progressing quickly enough or not.

Mr. POE. There are some that want to even postpone that to 2010. It doesn't make sense to me that we form a whole other bu-

reaucracy to come up with a whole other identification system for people coming into the United States, when we have the universal system of the passport, that if we do it correctly and utilize it and expect that from people that now have the exception, it would secure the borders I think more, including the fact that we don't record who comes in the United States, and we don't record who leaves the United States, and a passport would help us in that direction as well.

Let me ask you just one more question. How concerned are you, Mr. Kutz, about the fact that our borders are open to people coming across with little bitty packages, backpacks, that may have radioactive material? Does that bring some concern to you?

Mr. KUTZ. That could, and again we've done a lot of testing of security of the northern and southern borders of contraband coming across the borders, and there are significant vulnerabilities both in the north and south.

Mr. POE. All right. Thank you, Mr. Chairman, I yield back.

Mr. ROYCE. Thank you. Congresswoman Sheila Jackson Lee.

Ms. JACKSON LEE. Mr. Chairman, as this hearing begins to wind down, allow me a brief moment of personal privilege to acknowledge that I don't think there is any Member who is here today and who will be participating in hearings around the country that would stand and speak against a major concern that this nation has, and that is homeland security. I want to make it very clear that I sense no lack of sincerity of the Members present here, irrespective of the fact that we have different approaches and political philosophies, as well as actions. And I think that it is important as this hearing is about to conclude that actions have to speak louder than words.

And so I'd like to recount a series of actions that really maybe out of this hearing my good friends on the other side of the aisle will now go back to Washington and realize that as you share your words of sincerity, you must share your deeds. I do acknowledge that Sheriff Gonzalez is still here, and I do want to particularly offer my sympathy to his fallen comrade. I remember him making the statement and I wanted to make sure it was on the record, because many of us are on Committees of jurisdiction, Homeland Security, Judiciary, every day we deal with law enforcement on the field level.

I want you to note that on May 25, 2006, in a Homeland Security appropriations, Republicans voted against consideration of amendment that would have added \$2.1 billion for border security, including \$1.5 billion to meet the promises Congress had made on the additional Border Patrol agents, immigration agents, and detention beds in the 9/11 Act. That I hope can be corrected when we return back to Washington, and out of that, for the sheriffs who I have come to understand their plight, that they would be able to get funding for the normal work that they do that includes work on the border.

That's a unique role that they have, far different from telling the Los Angeles Police that you won't get Federal funding because you're not intimidating those in neighborhoods who may look like they're undocumented. That's a far different responsibility than

would be the sanctuary law that is going to hurt cities like New York and Houston and Los Angeles.

I would also ask, Chairman, if I could put into the record a final report on the 9–11 Commission recommendations. It's dated December 5, 2005. Ask unanimous consent to the Chairman.

Mr. ROYCE. Without objection.

Ms. JACKSON LEE. Thank you. And I'm going to pose a question quickly to the distinguished gentlemen, but I note that on the 9–11 Commission it gives our performance in the government on government wide information sharing a D, which is partly what the GAO study reflects. It reflects the fact that at a point of entry your testing showed some radioactive came in.

Help me understand the importance of, if you will, intelligence sharing, technology, all of the items that Democrats have tried to get this Congress to pass, more importantly how that really impacts our security. As you do that, Mr. Chairman, I ask an additional unanimous consent to put this, pictures of the family of Luis Alfonso Diaz Deleon, who was deported back in the 1930s, I believe, and he was a American citizen out of Oklahoma, I ask unanimous consent for these pictures to show his family and the documentation of deportation, Luis Alfonso Diaz Deleon. Would you answer, Mr. Kutz?

Mr. KUTZ. Can I use an example to answer that?

Ms. JACKSON LEE. You may.

Mr. KUTZ. When we did this crossing we crossed at the same time into Canada and Mexico, using the same fictitious company name, with the same type of material, in the same amount of material.

Ms. JACKSON LEE. At ports of entry?

Mr. KUTZ. At ports of entry.

Ms. JACKSON LEE. You were not crossing a ranch, you came to ports of entry?

Mr. KUTZ. No. Radiation portal monitors, so the alarms went off, we got secondary inspections. Nobody within the Department of Homeland Security knew that we had crossed at the same time, with the same company, with the same radioactive material, at the same time. I think that makes your point.

Ms. JACKSON LEE. That's intelligence and that's sharing information and that's data.

Mr. KUTZ. And data sharing of information, yes.

Ms. JACKSON LEE. I think that's what we want to do here to fight terrorism, is not to, if you will, label people, but give you real resources. I'm sorry, Mr. Chairman, I asked unanimous consent, I didn't get a response.

Mr. ROYCE. Without objection.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Thank you.

Mr. ROYCE. Let me respond here because—

Ms. JACKSON LEE. I'm not finished with my question. I think I still have time.

Mr. ROYCE. Oh, okay. Well time's up but I'm going to yield. Without objection I'm going to yield to the gentlelady with some additional time.

Ms. JACKSON LEE. Thank you, Mr. Chairman. Mr. Kutz gave a quick answer because I think he saw the light.

Then tell us what would be the instructive message to this Congress that we need to take back for the real resources, and as I say that a rancher just shared with me that he has great respect for the Border Patrol, but if you call them and it takes an hour to get where they need to go, then I'm going to go back and say we need 27,000 Border Patrol, we need resources for the Border Patrol, which we've not gotten. What do you need on this direct war on terrorism in the idea of bringing radioactive material across the border at a point of entry?

Mr. KUTZ. I think it's a combination of people, processes, and technology, and I've heard a lot. I sat through the San Diego hearings also and heard a lot about different technology, and I think with respect to the nuclear smuggling, these portal monitors clearly work. There aren't enough of them. The deployment of them is behind by several years, and so that is one small piece.

But again, we showed that once you actually get through the technology, using social engineering and counterfeit documents, we were still able to beat the system. So technology alone does not solve border problems. But I do believe technology was discussed as a very important component.

Ms. JACKSON LEE. Trained personnel?

Mr. KUTZ. Trained personnel.

Ms. JACKSON LEE. And do you find danger in these kinds of elements? I know that you may not pretend to be an immigration expert, but do you find this to be a more dangerous, or at least equal to the potential of a 9/11, this kind of, if you will, piercing of our security veil?

Mr. KUTZ. Well, there's two types. What we talked about was a dirty bomb, and that's not really going to kill anybody, but it could shut down major parts of a city for a long period of time. The other part is a weapon of mass destruction, which is a much more serious threat from a standpoint of human lives in the United States, and as I understand it that is a very serious threat also.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Mr. ROYCE. Now, for the record, I want to point out, because the question was put what are we going to do to take decisive action. We have passed a House bill that includes billions of dollars, including reimbursing the local sheriffs for their cooperation. So a lot of the testimony we've heard today is included in the House passed bill, and provides that they can cooperate more closely. Prohibitions between cooperation with the sheriffs, the border sheriffs, and the immigration authorities is lifted.

I also just for the record think it's important to point out that the degree of funding increases since 1995, which is when I began to focus on this issue, that's when the Republicans took control of the House of Representatives. Do we need to do more? Yes, we need more. But that funding went from \$1.2 billion to \$12.7 billion in that span of time.

So we've had a tenfold increase in funding. We have had considerable increases in the number of agents. Do we need to do more? Yes, we do. Do we need to reimburse the sheriffs at the county level? Yes. But in this latest bill we have the ability to do that, if

we can get that through the House. We end catch and release in that legislation that has passed the House that we have in the Senate. We do have tough employer sanctions, tough enough that many Members voted against the bill because of the tough employer sanctions in it.

So I just want to make the point that when we look at a force multiplier to do this task, allowing the 700,000 State and local law enforcement officials to at least, when people have expired visas, and they have suspicions, to allow them at least to notify our immigration authorities would be a step in the right direction, and that is also in the House passed bill. The Senate takes the opposite tack and rolls back and puts a firewall between that kind of cooperation between local officials, and State and Federal.

Let me introduce and allow Mr. King now to ask his questions.

Mr. KING. Thank you, Mr. Chairman. Before I open up with some questions I'd just comment that we get into the little partisan bickering when we're in Washington, that's what goes on there. If it happens anywhere in the world it happens there, and we should do a little less of that when we're out here in the field where we have people that come in from the area.

I would point out that again John Adams would support what I'm about to say, and that is almost every Republican supported the two major pieces of enforcement legislation that passed the Congress. I'm speaking specifically of the Real ID Act, and also the Enforcement Act, H.R. 4437. There were 164 Democrats that voted no on 4437, and 152 Democrats that voted no on the Real ID Act. So I think that's an important part of the public record that I think helps reflect better way on this testimony you've heard here today.

But I'm very interested in the initiative that you started, Mr. Kutz, and that is with the dirty bomb material, and entering into the United States with two different teams, and I'm curious first how did you get that material out of the United States, and into foreign countries in order to conduct this experiment?

Mr. KUTZ. With respect to Canada, we coordinate closely with law enforcement officials in Canada. With respect to Mexico, we have been unsuccessful doing that in the past, so we did what I would call a "turnaround." There are certain of the sites where you can actually go all the way up to Mexico, and turn around and get back in line to go through the monitor. So we did a turnaround to test the southern border.

Mr. KING. Thank you, and how large were your two teams? How many people?

Mr. KUTZ. Two people in rented automobiles.

Mr. KING. Two people in each team.

Mr. KUTZ. We have backup teams also, so each one had a backup team.

Mr. KING. And what type of vehicle were they in?

Mr. KUTZ. Just rental vehicles. Basic mid-size cars.

Mr. KING. Cars?

Mr. KUTZ. Yes. Not vans. Mid-size automobiles.

Mr. KING. Rather nondescript vehicles then.

Mr. KUTZ. Yes.

Mr. KING. Very common. Then were they both adult males, or what would be the profile if you please?

Mr. KUTZ. For the north it was two males. For the south a male and a female.

Mr. KING. Listening to the testimony of Sheriff Flores, what would be the presumption on appearance of someone who was approaching the northern border and the southern border? Would they have fit the common profile of what we would expect to be a terrorist?

Mr. KUTZ. No. I would say no.

Mr. KING. So they might have been blue eyed, blonde haired people?

Mr. KUTZ. Could have been. One of them is sitting behind me, right here.

Mr. KING. Yeah, I wouldn't have been suspicious either.

Mr. ROYCE. Please, Sergeant, have that gentleman removed.

Mr. KING. I point this out for a reason, because whether we like it or whether we don't, well first of all I can board El Al Airlines and fly to Israel easier than I can board an airline in the United States, because they do profile, and profiling has been an important part of law enforcement since the beginning of time. It's profiling done for law enforcement purposes, as opposed to profiling done for the purposes of I'll say racial discrimination.

There's a distinction there and I think it's important we draw it, from the fact that people that didn't fit a profile, I think tells us something, that we need to take a look at. But I see also the clock has run out. I thank both these gentlemen for your testimony and your service. I thank the Chairman for calling this hearing today, and I thank Laredo for the hospitality, and all of Texas. I yield back.

Mr. ROYCE. Thank you. Mr. Hinojosa.

Mr. HINOJOSA. Thank you, Mr. Chairman. I would also like to ask unanimous consent that the bar graphs that I used in my presentation opening remarks be included in the report.

Mr. ROYCE. Without objection.

Mr. HINOJOSA. Thank you. I want to use my time in talking about the northern border. As you know, 17 suspected terrorists were recently arrested in Toronto. There are reportedly 50 terrorists groups in Canada. The millennium bomber was arrested as he attempted to cross the northern border with explosives and Congressional Research Service says that Canada is a favored destination for terrorist groups as a safe haven, transit point, and a place to raise funds. And just last week we saw helicopters flying from Canada, landing in the United States with millions of dollars of drugs.

While there are 10,000 Border Patrol agents stationed along our 2000 mile border with Mexico, we still have problems with illegal immigration. Only one tenth, only one tenth of that amount is on the Canadian border, a border that is two and a half times as long as the Mexican border. And the recent news stories state that people drive, walk, sail, ski and sled across the northern border all the time. Given a 24-hour workday and three shifts in a day, at any given moment there's only 250, maybe max 300 Border Patrol agents on that 5000 mile border on the northern side. Only less than 1,000 border agents total are assigned to the northern border.

So, Mr. Nunez, tell us how many Border Patrol agents are needed to secure the northern border with those statistics that I just gave you.

Mr. NUNEZ-NETO. First I would say that I think part of the reason for the difference in deployment is 97 percent on average of the apprehensions made by the Border Patrol each year are along the southwest border, and due to our differences in visa laws, Canadian Nationals do not need a visa to cross into the United States through a port of entry, so I think there's less people coming across the land border illegally along the northern border, and that's part of the reason why there's fewer agents assigned there historically.

As far as how many agents would be needed, once again we have no way of knowing that information at CRS. I can tell you that the former INS in the 1990s had a statement once saying that they would need about 40,000 Border Patrol agents to adequately secure the border, but that was obviously in a different enforcement era, and that was without the advanced technology they're using today.

Mr. HINOJOSA. If I may interrupt you because my time is ending, Mr. Chairman, I have about 1 minute left, more, please?

Mr. ROYCE. Without objection, one more question.

Mr. HINOJOSA. Thank you. And it's not another question. It's the same question, but the answer that you gave me, in my opinion, could very easily be a misunderstanding, or misinterpretation of the intelligence that you used to answer my question.

Same way as when the weapons of mass destruction reason was given for going to war with Iraq, it was interpreted in a very wrong way because we now know that we were wrong in having gone to war with Iraq. It was bin Laden who attacked us in 9/11 as to why we are so concerned about terrorism, and yet we went after Saddam Hussein because of wrong interpretation of intelligence.

Mr. ROYCE. I think we should go to Mr. Gonzalez.

Mr. GONZALEZ. Thank you, Mr. Chairman, and quickly I know that my colleague Mr. King said we shouldn't be so partisan, but the truth of the matter is the purpose of this hearing is totally political. At the time that these hearings were announced by Republican leadership it was clearly stated in essence it was to promote the Republican version of immigration reform that emanated from the House, and to rebut and to thwart the President's comprehensive plan and that which is favored by other Members of Congress and on a bipartisan basis. The answer to the Real ID Act, if you voted against it, I don't think anyone read the fine print as to what it does regarding property rights of anybody that owns property along the border, the authority and the power of the Secretary of Homeland Security to basically condemn, take over the property, do what it pleases without proper due process, or compensation. So there's a whole lot wrong with the Real ID Act, especially if you're along the border, but just as any American citizen should be concerned about property rights.

Mr. Kutz, I have a—is it Cutz or—

Mr. KUTZ. Kutz.

Mr. GONZALEZ. Kutz, Mr. Kutz. Have you all attempted anything, I know you did over land, north, south, have you done anything regarding air or sea interception where you tried this ruse? I'm talking about the containers.

Mr. KUTZ. Not containers. Several years ago we did come into the country using some counterfeit documents using airlines.

Mr. GONZALEZ. And how did that go?

Mr. KUTZ. I think we got in several times. I think one time we were intercepted.

Mr. GONZALEZ. What about containers. I've always been concerned. In Congress we say that we cannot inspect every container that's offloaded at our ports, which are just in the tens of thousands. Is that true, that we do not inspect the containers that are arriving in our major ports throughout the nation?

Mr. KUTZ. My understanding is that's true, not all of them, and I would give you an example. We did another job in the last year where we bought steroids and many of the steroids we bought were coming from overseas, and they got to us without being inspected. So that would be an example of something we've done that showed that no one opened those boxes. They were coming from China, I believe.

Mr. GONZALEZ. My concern would be of course you can bring something over in a duffel bag, and we've had some testimony about that. We had of course your exercise, where you had a small amount and such, but I'm thinking in terms of what you could put in a container. The statistics are startling. I don't have them handy but I think if the American public realized that we do not inspect all those containers, and they say because it's technologically not feasible, and the economic impact would be great.

So it appears that in that part of the argument, addressing that particular threat, that the economic consequences are taken in consideration, but not necessarily with others. It has nothing to do with your department, your agency, or what you do, and I commend you and I applaud you, and I think you all have a lot of fun doing what you do, and I envy that.

Mr. Nunez-Neto, I had a question for you, I guess, and that is just simply the relationship I guess. I read your paper. Does it assist you at all in what you're attempting to do, to ascertain vulnerabilities and such, to attempt to deport 12 million undocumented workers and their families, or to criminalize them to a felony status, or even building a 700 mile wall? I mean does any of that really enhance security as you understand it, or meaningfully enhance it?

Mr. NUNEZ-NETO. I can't speak to the issue about interior enforcement because that's not an issue area I cover. As far as the border fencing is concerned, there's considerable evidence that in the Imperial Beach Station, where the San Diego fence has been constructed, apprehensions have declined significantly. Part of the reason for that is immigration has been rerouted to other areas, such as the Tucson and Yuma Sectors in Arizona. So, yes, there is some evidence that fencing does have an effect on enforcement.

What the effect would be of fencing the entire border, I think is still pretty nebulous because as San Diego has shown smugglers are very determined in getting in, and they have been tunneling underneath.

Mr. GONZALEZ. Thank you very much. Thank you for your all's service and I yield back.

Mr. ROYCE. Thank you. And I want to thank all of our witnesses and our Members, many of whom traveled far to participate in this hearing. I also want to thank the acting Ranking Member, Mr. Reyes, whose long service and expertise in the Border Patrol Service is greatly appreciated. I think we have learned a great deal about the challenges of cartels, and potential terrorists in this area. Lastly, I want to thank the Webb County Sheriff Department for all of its good assistance here today. Thank you very much.

Mr. REYES. Mr. Chairman, if I can just yield.

Thank you very much. This has been a very fair hearing. We appreciate all the courtesies that you have given all of us on our side of the aisle, and appreciate the opportunity to bring witnesses that give us the kind of information that I hope will make a meaningful difference in the way we approach the issue of border security when we get back to Washington. So again, thank you for your work and thank you for your fairness this afternoon.

Mr. ROYCE. Thank you, Mr. Reyes, and we stand adjourned.

[Whereupon, at 1:55 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE BRAD SHERMAN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

ROLL CALL VOTES

1. November 28, 2001—On Agreeing to the Resolution; Providing for consideration of H.R. 3338; Department of Defense Appropriations for Fiscal Year 2002—passed 216–211, 1 present (Roll Call 454)
2. June 24, 2003—On Ordering the Previous Question; Providing for the consideration of H.R. 2555, Department of Homeland Security Appropriations Act, 2004—passed 221–196 (Roll Call 301)
3. June 24, 2003—On Sustaining the Ruling of the Chair; H.R. 2555, Department of Homeland Security Appropriations Act, 2004—passed 222–200 (Roll Call 305)
4. June 16, 2004—On Ordering the Previous Question; Providing for consideration of H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes—passed 224–205—(Roll Call 243)
5. May 5, 2005—On Motion to Recommit the Conference Report with Instructions; H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes—failed 201–225 (Roll Call 160)
6. May 17, 2005—On Ordering the Previous Question; Providing for consideration of H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes—passed 223–185 (Roll Call 174)
7. May 18, 2005—On Agreeing to the Amendment; Thompson of Mississippi Substitute Amendment to H.R. 1817, Department of Homeland Security Authorization Act for Fiscal Year 2006—failed 196–230 (Roll Call 187)
8. May 18, 2005—On Motion to Recommit with Instructions; H.R. 1817, Department of Homeland Security Authorization Act for Fiscal Year 2006—failed 199–228 (Roll Call 188)
9. March 16, 2006—On Agreeing to the Amendment; Sabo of Minnesota Amendment to H.R. 4939, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006—failed 208–210 (Roll Call 56)
10. May 25, 2006—On Ordering the Previous Question; Providing for the consideration of H.R. 5441, Department of Homeland Security Appropriations Act, 2007—passed 217–195 (Roll Call 210)

RESPONSE FROM MR. REYNALDO GARZA, ACTING CHIEF PATROL AGENT, LAREDO SECTOR, OFFICE OF BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, TO QUESTION SUBMITTED FOR THE RECORD BY THE HONORABLE STEVE KING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Question:

How many and what percentage of Border Patrol officers are “anchor babies”?—Have U.S. citizenship by birthright? By Sector of our Southern border, please?

Response:

CBP Office of Human Resources Management does not have a mechanism to identify this information. Border Patrol agents must be US Citizens so nationality or status of parents are not tracked in our HRM systems.



Board of Supervisors County of Los Angeles

MICHAEL D. ANTONOVICH
MAYOR

STATEMENT ON ILLEGAL IMMIGRATION BY MAYOR MICHAEL D. ANTONOVICH

While legal immigration has provided a positive benefit for our Country economically and culturally, illegal immigration reduces the quality of life and is an affront to those that follow the law.

Illegal immigration causes American citizens and legal aliens to pay more for police protection, classrooms to educate our children, and hospital and healthcare costs. In public safety, healthcare and public social services, illegal's cost Los Angeles County taxpayers nearly three quarters of a billion dollars a year.

- OVER \$360 MILLION ANNUALLY IN HEALTH CARE
- OVER \$150 MILLION IN OUR JAILS
- NEARLY \$23 MILLION A MONTH IN CALWORKS PAYMENTS (FORMERLY CALLED AID TO FAMILIES OF DEPENDENT CHILDREN) - OR NEARLY \$276 MILLION ANNUALLY
- NEARLY 100,000 CHILDREN OF 60,000 UNDOCUMENTED PARENTS RECEIVED AID IN JANUARY 2006 – FOR A TOTAL OF 160,000. IF INCORPORATED INTO A CITY, IT WOULD BE THE 6TH LARGEST CITY IN LOS ANGELES COUNTY

Los Angeles County is home to almost 12% of the Country's illegal immigrant population, the most of any County in the Nation

Like Los Angeles County, the State of California is also struggling with the burden of illegal immigration; one in fifteen people residing in California is an illegal immigrant costing our State nearly \$3 billion a year.

Our health care delivery system has become the HMO for the world.

Our education system is basically a voucher program for people of other countries to come here and send their children to our schools.

Our healthcare system is bankrupt threatening the well being of our citizens and we've experienced a meltdown in our public schools.

We are one of the few Countries in the world where, if you are born here, you are considered a legal citizen regardless of whether your parents are citizens or not.

What can be done?

- Create a bonded guest worker program that allows an immigrant to work in our Country temporarily while bonded for any medical care they may need while in the United States.
- Establish a system of medical centers on the Mexican side of the border, staffed by American doctors and medical students along with Mexican doctors and students working cooperatively with local medical schools to provide service and share medical techniques while reducing the incentive for individuals to come here illegally.
- Establish a trained reserve component of the U.S. Border Patrol similar to reserve units utilized by thousands of police and sheriff departments across the nation to increase the number of Border Patrol agents defending our borders. This program of reserve officers has been extremely successful and provided local law enforcement with a group of dedicated and trained law enforcement officers who serve at a minimal cost of only \$1 a year in most cases.
- Create a Social Security number verification system utilizing modern technology similar to that used by retailers for VISA and MasterCard processing which can verify an individual's immigration status in seconds.

It is my belief that by incorporating the above suggestions we could afford those who chose to work as a guest worker in our Country legitimacy, security and the opportunity to work in America while sparing taxpayers the burden of financing their health care and other public services.

UNION-TRIBUNE EDITORIAL

A policy of lunacy**Decisions on this side of border fuel crisis**

July 2, 2006

Six members of the Union-Tribune editorial board toured parts of the California-Mexico border last week, courtesy of the leaders of the San Diego Sector of the U.S. Border Patrol. The visit included briefings on border issues led by Chief Patrol Agent Darryl E. Griffen.

What was most reassuring about the session was the confidence of Griffen and other Border Patrol staff that – given more and better technology and increased manpower – efforts to deter illegal immigration could be much more successful. With at least 11 million illegal immigrants believed to be in the United States, it's tempting to see calls for a big increase in Border Patrol spending as a futile, Westmoreland-in-Vietnam approach.

But what was most striking was the testimony about the sophistication, cunning and resources of the Border Patrol's chief enemy: the cartels running \$3,000-a-head human-smuggling enterprises, whose profits run into hundreds of millions of dollars a year.

Griffen described a constant cat-and-mouse game in which cartel bosses would make feints at one part of the border to divert Border Patrol resources and then move large groups through an unmanned area – a coordinated effort using walkie-talkies and cell phones, helped by spotters at elevated sites on the Mexican side of the border monitoring what agents were doing on the American side. He told of how less than an hour after a major tactical maneuver by U.S. agents, cartel operatives will have evaluated the gambit and sharply revised their own tactics. He also spoke of a surge in violence against agents.

Plainly, what's going on at the border amounts to a costly, bloody war. The more one sees the issue in that light, the more schizophrenic the U.S. government's approach to immigration seems. Even some Border Patrol officials acknowledge the challenge they face would be much easier if only Washington did something to weaken the magnet – U.S. jobs – that draws illegal immigrants.

Instead, the Bush administration, responding to pressure from business interests that rely on illegal-immigrant labor, has essentially given up on employer sanctions. Ignore the recent high-profile arrests meant to score political points during the debate over immigration-reform proposals and contemplate these numbers: From 1999 to 2003, federal immigration-related work-site raids dropped off 95 percent, and the number of employers prosecuted for hiring illegal immigrants plunged from 182 to four. Want more? In 1999, authorities sought fines against 417 companies. How many were targeted in 2004? Three. How many people in Congress griped about this unannounced surrender? Not nearly enough to matter.

This is lunacy, on a par with the government subsidizing tobacco growers while imploring people not to smoke and suing tobacco firms over cigarettes' health toll.

The next time one of Darryl Griffen's brave agents is attacked and injured on the job, don't just blame the human-smuggling cartels. Blame the Bush administration. Blame the U.S. Chamber of Commerce. Blame Congress. The job magnet is what drives the border crisis – and the reason the magnet is so powerful has everything to do with decisions made on this side of the border.

Raytheon

Project Athena Maritime Domain Awareness System



Athena — Situational Awareness for Maritime Security

Benefits

- Provides seamless coverage across domains and operational commands
- Integrates multiple sensors and ISR data sources and supports rapid integration of new types
- Employs user-configurable tools for workload reduction
- Delivers shared knowledge, awareness, operational picture and actionable intelligence
- Employs standards-based service-oriented architecture using network centric communications
- Supports U.S. Partner Nation efforts
- Scalable from local to worldwide applications
- Distribution architecture supports unlimited scalability
- Supports high-availability implementations
- Easily extensible; compatible with service-oriented architecture-capable tools
- Plug-in architecture supports new capability integration

Athena is a network centric, multi-domain command, control, communications, computers, intelligence, surveillance and reconnaissance (C4ISR) system for high performance situational awareness, fusion, analysis and knowledge management. By exploiting information from global sources — including sensors, databases, intelligence — Athena delivers persistent surveillance, situational awareness and anomaly detection aids to reduce operator workload.

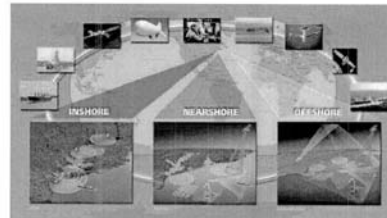
Athena uses a modern, extendable and open C4ISR framework that works with a wide range of sensors and collaborates across command centers and enterprise systems. It employs user-friendly and role-based methods of managing correlated information and sharing across local, regional or global joint command

interests. Athena delivers fast and flexible maritime domain awareness for rapid operational deployments using proven components.

Proven Systems Architecture

Athena is based on a proven systems architecture used by NORAD. This robust system can process multiple inputs on many thousands of tracks. With a look and feel common to existing command and control centers, Athena is also user-friendly.

Athena's framework is based on a tiered, service-oriented architecture, uses off-the-shelf components and conforms to Department of Defense architecture framework standards. Athena adds value by providing rules-based anomaly analysis and software agent capabilities, along with network centric service capabilities.



Shared Awareness Across C4 Centers

Project Athena Maritime Domain Awareness System

Operational Deployments and Evaluations

Raytheon operates the Project Athena Maritime Domain Awareness Testbed at its facility in Portsmouth, R.I. Here, Raytheon provides ongoing demonstrations of Athena's multi-domain capabilities, using live feeds and simulated threat scenarios, real-time display and analysis, and real-time re-planning for multiple event assessments.

Scenarios include global domain awareness across operational commands; surveillance across domains (land, air, sea); evaluation of operational concepts and technology; and border threats and interdiction. Operational deployments for border surveillance missions have demonstrated a robust, user-friendly and effective field C4ISR capability.



Raytheon Maritime Domain Awareness Fusion Center Testbed

Project Athena's Capabilities

Fused homeland defense intelligence, surveillance and reconnaissance (ISR) data integration

Rapid detection, tracking and identification of anomalies, and delivers actionable intelligence to end users

Cooperative and non-cooperative tracking of maritime/air/land threats at long ranges

User-friendly common operating picture – common with existing C4 centers

Joint C4ISR framework for identification, detection, monitoring, battle management and interdiction

National-level maritime domain awareness integrates local, regional and long-range surveillance with high-performance correlation and tracking

Scalable and flexible for rapid deployment and upgrade, due to robust open architecture

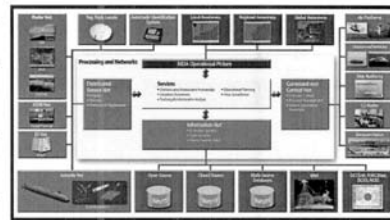
Enhanced scenario planning, simulation and scripting

Network centric information-sharing using web services, supporting military formats

Analysis and anomaly detection alerts and collaborative control features between distributed nodes

Network centric information-sharing using web services, supporting military formats

Modeling and simulation tools for threat analysis and concept of operations assessment



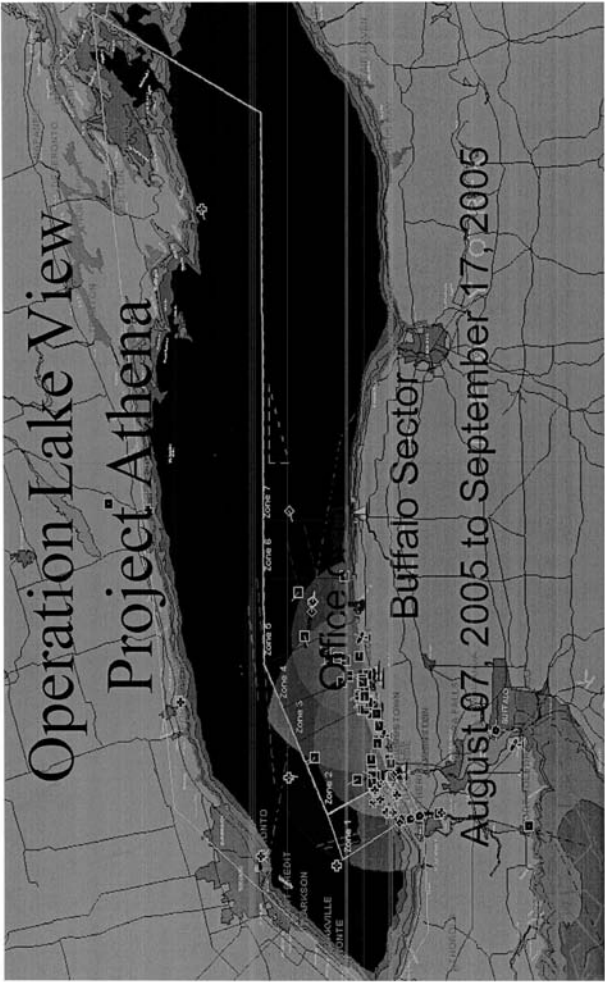
MDA Fusion Center Architecture

Guy Shields
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Tewksbury, Massachusetts
01876 USA

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Raytheon
Customer Success Is Our Mission



The Threat – Northern Border



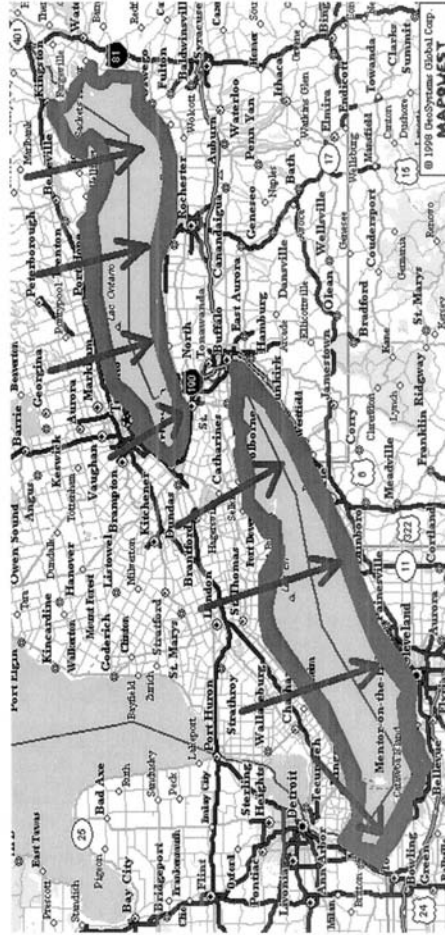
- 90% of Canadian population lives within 100 miles of the U.S. border
- Population Centers: Vancouver BC, Toronto ON, Montreal QC



Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005
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Buffalo Sector Area of Operation: Lakes Erie & Ontario--

Cross Lake Routes (Outside Recreational Craft Zone)



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005
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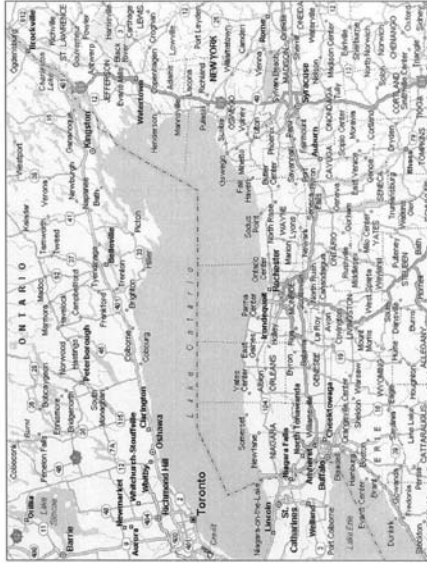
Lake Ontario: Undetermined

- Biggest Challenge
- Strategy:
 - Intelligence
 - Air Operations
 - Marine Operations
 - Line watch
 - Transportation/Traffic Check

▪ Status: UNDETERMINED

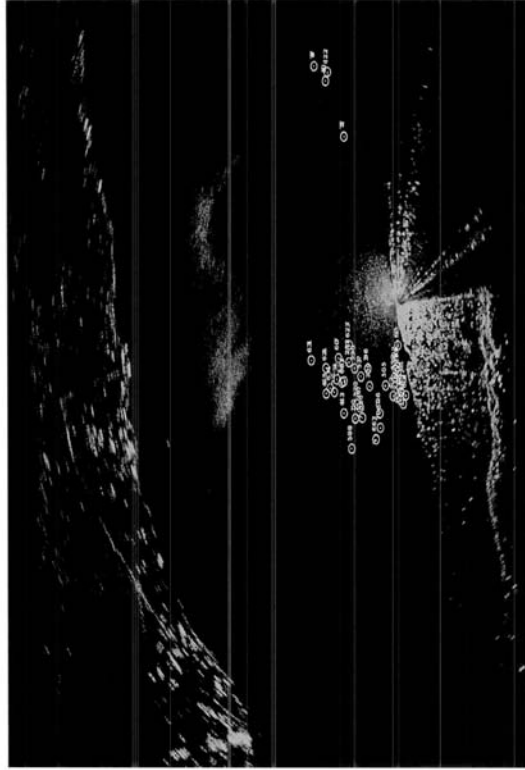


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Border Protection



Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005
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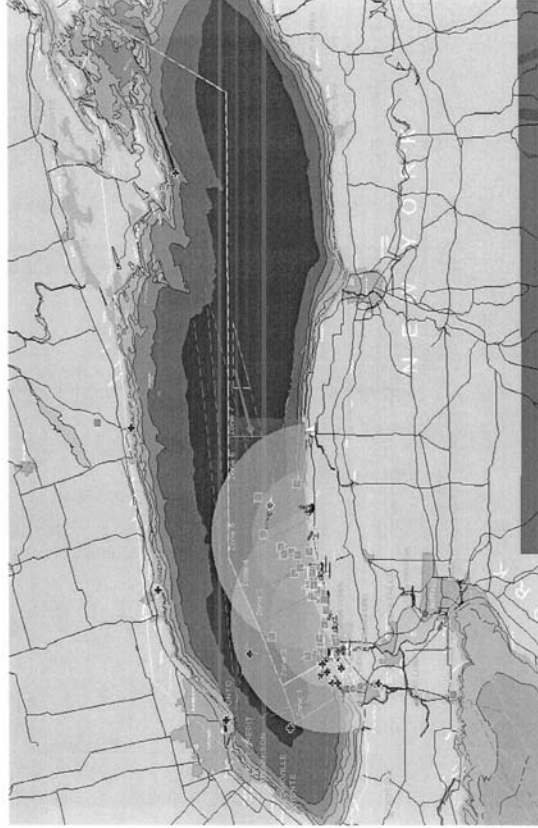
Raw Radar data



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005 5

2 sensor sites = coverage for 1/3 of Lake Ontario

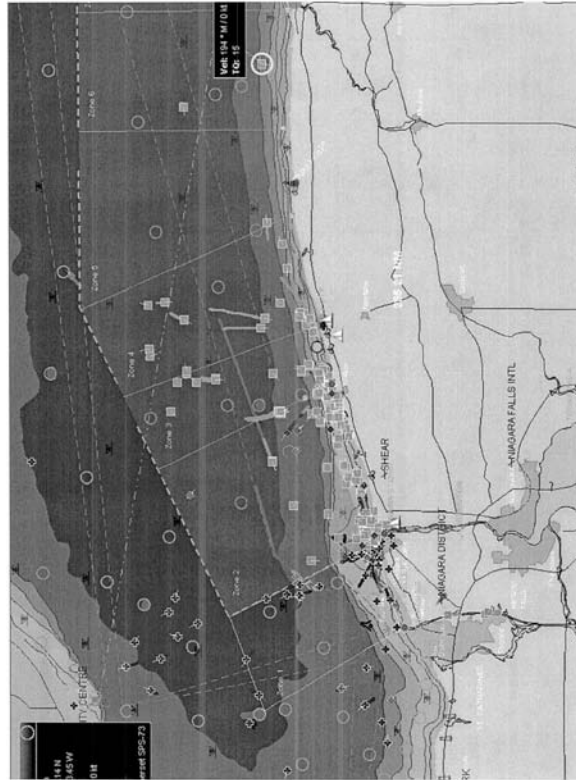


U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood

August 30, 2005
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Typical Boating Traffic

U.S. Customs and
Border Protection

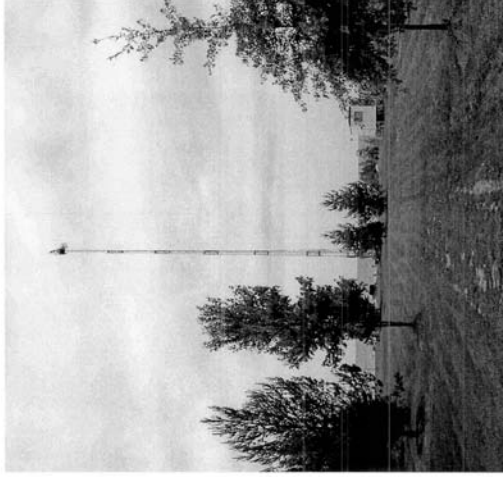
Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood

Operation Lake View Equipment and Technology

- **Two 25-kilowatt radars**
 - One system mounted on a temporary 100' tower (optimized for 10 mile detection range),
 - One system installed 256' high (optimized for 15 miles).
- **FLIR cameras**
 - Each Radar site has a FLIR camera mounted with an approximate 12 mile range.
- **Optical Cameras**
 - Each site has mounted Optical cameras with an approximate 4 mile range.
- **Other Fused Information**
 - TTL Beacons for Blue Forces
 - Automatic Identification System (AIS)



U.S. Customs and
Border Protection



Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005

Project Athena

Computer Software + Sensors (radar, ground, FLIR, etc.)
+ GIS mapping

- **Tactical Tool for Tactical Field Commanders**
- Visual **integration** of unlimited sensor and technology **data feeds** – including newly introduced **maritime radar**.
- Provides a real-time common operational picture.
- All data is fed onto computer screens creating a **visual display** of a **virtual border** for field commanders.
- Facilitates **agency-specific** command and control of **agency-specific** assets; and facilitates **multi-agency** coordination of **rapid response** assets among on-site **Federal, State, and local** commanders.
- Eliminates clutter and identifies and tracks all high-risk (cross-border) traffic.



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran August 30, 2005
Supervisory Agent Thomas Rockwood 9

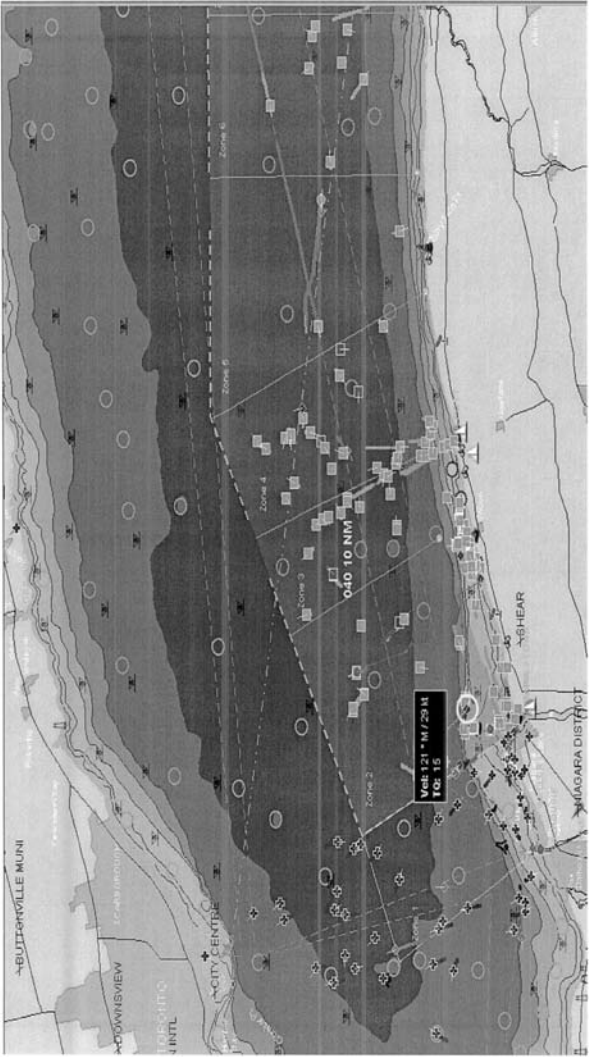
Operation Lake View Bi-National/Interagency Participants

<u><i>United States Law Enforcement Agencies</i></u> United States Border Patrol (USBP) United States Coast Guard (USCG) Joint Terrorism Task Force (JTTF) State and Local Police NY State Police NY State Parks Police NY Dept. of Environmental Conservation Niagara Co Sheriff Orleans Co Sheriff U.S. Attorney's Office Immigration and Customs Enforcement (ICE) CBP Air	<u><i>U.S. Department of Defense</i></u> United States Northern Command (NORTHCOM) New York National Guard Joint Task Force North (JTF-N) Counter Narco-Terrorism Office (CNTPO) Naval Sea Systems Command (NAVSEA) Project Athena – Raytheon
<u><i>Canadian Law Enforcement Agencies</i></u> Royal Canadian Mounted Police (RCMP) Marine Security Operations Center (MSOC) Toronto Police Services Marine Unit Niagara Regional Police Services Hamilton-Holton Regional Police Services	<u><i>Bi-National and National Agencies</i></u> Integrated Border Enforcement Team (IBET) Canada Border Security Agency (CBSA)



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005



Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005
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Project Athena

“It is what it is”

Analysis of data is performed by software producing an instantaneous operational picture.

A radio operator, a Border Patrol agent, a CBP Pilot, a Coast Guardsman, State Trooper, or RCMP constable can, if provided the Athena feed, draw their own conclusions and respond accordingly.



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
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The Results

Twenty-three days of operation produced:

- 3,552 Targets Tracked
- 345 Actual Cross-border traffic (9%)
- 218 Actual Interdictions (63%)
- Detection of Low Flying Aircraft (unexpected result)

Additional two boats and crews would have raised interdiction ratio to 95-100%

Dramatic increase in individual compliance reporting via OARS



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood

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Results (Con't)

*“Pushes the border out” while reclaiming
U.S. waters previously ceded to cross-
border traffic.*



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
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The Potential

Deployment across the Great Lakes area would result in 100% Marine Domain Awareness.

Would enable Detroit and Buffalo Sectors (and a portion of Grand Forks) to upgrade the majority of their sector's operational zones from UNDETERMINED to MANAGED with a relatively small increase in agents, marine platforms and CBP Air assets.

Fusion of other sensor/data systems

- Aircraft Transponders (AMOC)
- FLIR Networks
- Ground Sensors
- Other



U.S. Customs and
Border Protection

Chief Patrol Agent Peter Moran
Supervisory Agent Thomas Rockwood
August 30, 2005
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U.S. Customs and Border Protection



STATEMENT OF

David V. Aguilar
Chief
Office of Border Patrol
U.S. Customs and Border Protection
Department of Homeland Security

BEFORE

U.S. House of Representatives
Committee on Armed Services

REGARDING

"Border Security – Mission of the National Guard"

10:00 a.m. WEDNESDAY, MAY 24, 2006

Chairman Hunter, Ranking Member Skelton, Members of the Committee, it is a privilege and an honor to appear before you today to discuss the role the National Guard will play in assisting the Department of Homeland Security, and especially U.S. Customs and Border Protection (CBP), in our mission of securing our Nation's borders.

The DHS and CBP remain steadfast in our commitment to gain control of our borders, and the recent announcements by the President will move us rapidly forward on that commitment. Let me first state that National Guard support of and coordination with DHS and the Border Patrol is nothing new. While this new infusion will be on a larger scale, the Border Patrol has a history of nearly two decades working with National Guard units to utilize their unique expertise, manpower, technology and assets in support of our mission and as a force multiplier. Today there are currently hundreds of National Guard troops assisting DHS, primarily in our counter narcotics mission.

CBP acts as the guardian of our Nation's borders, safeguarding the homeland by protecting the American public against the entry of terrorists and the instruments of terrorism, while enforcing the laws of the United States and fostering the Nation's economic security through lawful travel and trade. Within CBP's larger mission, the Border Patrol's time-honored duty of interdicting illegal aliens and drugs and those who attempt to smuggle them across our borders between the ports of entry remains a priority. The nexus between our post September 11th mission and our traditional role is clear, terrorists and violent criminals may exploit smuggling routes used by migrants to enter the United States illegally and do us harm. Reducing illegal entries across our borders is more than ever a matter of national security.

Since 2001, border security funding has increased by 66%. Today, the Border Patrol has increased to 11,583 agents. Since 2001, the Border Patrol and DHS components have apprehended and sent home more than 6 million people

entering America illegally. In fiscal year 2005 alone, the Border Patrol apprehended nearly 1.2 million undocumented aliens attempting to enter the United States illegally. So far in fiscal year 2006, apprehensions of illegal aliens are up 5 percent and seizures of marijuana are up 26 percent. Despite the progress we have made, we do not yet have control of our border.

To work towards operational control of the border, President Bush has announced a plan to increase the number of Border Patrol Agents by 6,000 by the end of 2008. DoD support will be an immediate, short-term measure that allows the DHS to increase their deterrence and border security capabilities while DHS trains additional Border Patrol Agents and implements the Secure Border Initiative. These units will support DHS where they will be most effective. One of many capabilities the National Guard Bureau will provide is an increased detection capability to allow a quicker response by law enforcement officers.

National Guard units will assist DHS by executing missions such as logistical and administrative support, operating detection systems, providing mobile communications, augmenting DHS's border-related intelligence analysis efforts, building and installing border security infrastructure, providing transportation and training. However, law enforcement along the border between the ports of entry will remain the responsibility of Border Patrol Agents. The National Guard will play no direct law enforcement role in the apprehension, custodial care or security of those who are detained. With the National Guard providing surveillance and logistical support, DHS law enforcement officials will be free to concentrate on law enforcement functions of border enforcement. The support of tactical infrastructure engineering and technology by the National Guard will be a tremendous force multiplier for DHS; therefore making DHS law enforcement officials, and especially Border Patrol Agents more effective, freeing up additional current Agents who are performing some of these support tasks today.

In addition to providing support to the Border Patrol, the National Guard maybe used to provide support to other critical DHS requirements along the border including temporary construction of detention facilities, intelligence support to ICE and CBP, transportation of aliens within the United States, and possibly augmentation of CBP officers at Ports of Entry, if necessary.

As I noted before, the Border Patrol and the National Guard have an established relationship that existed well before the President's announcement last week. Guard units and personnel have been supporting counter-drug operations, in addition to conducting missions ranging from engineering support to aerial reconnaissance. In San Diego, the National Guard has worked on the San Diego Border Infrastructure System, and in Arizona, the National Guard has constructed roads for use by the Border Patrol. For nearly two decades, these types of missions have been utilized as valuable training for National Guardsmen, and have all been conducted in standard two to three week rotations as part of the Guard's annual training. The results of these missions have greatly improved the Border Patrol's ability to access terrain and enforce the law between our Nation's ports of entry. The President's plan expands this successful relationship to a larger scale, and although the force will be larger, the mission will remain the same as it has been for nearly two decades.

With the addition of National Guardsmen, over 500 Border Patrol Agents who are currently working in clerical, transportation, and logistics jobs will return to the front lines to assist in the detection and apprehension of illegal aliens. Additionally, under the President's plan, the Border Patrol will hire and train an additional 6,000 Border Patrol Agents during 2007 and 2008. This will bring the total number of Border Patrol Agents to over 18,000, a 101 percent increase since the President took office in 2001.

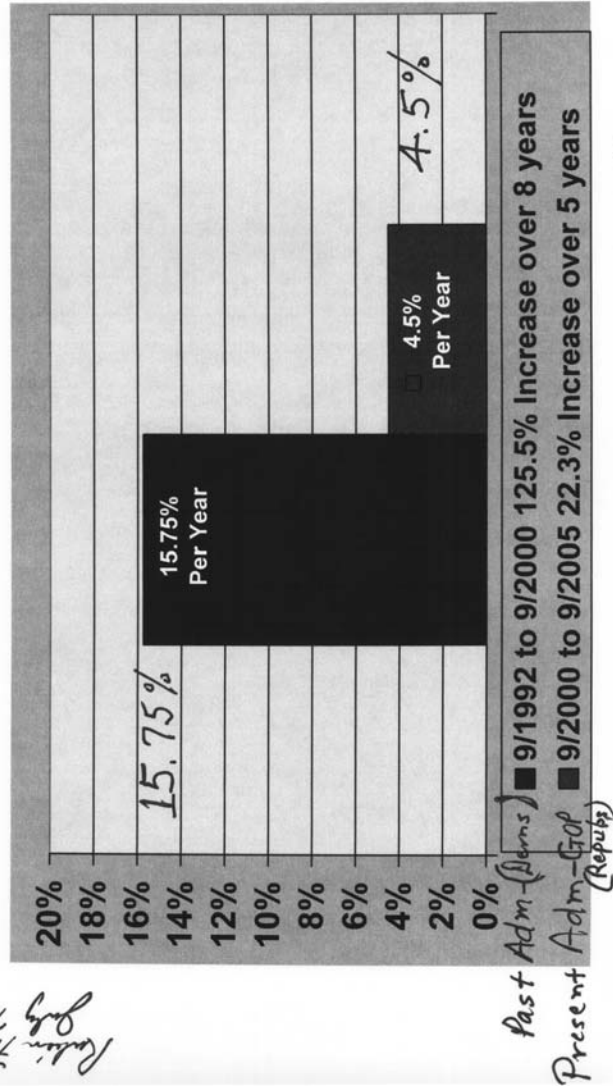
We recognize the challenges that lie ahead. Our national strategy gives us the overall framework to achieve our ambitious goal and with the assistance of the

National Guard, our DHS law enforcement officials charged with border control will be able to more effectively and efficiently protect our Nation's borders between our ports of entry.

The men and women of the Border Patrol face these challenges every day with vigilance, dedication to service, and integrity as we work to strengthen national security and protect America and its citizens. I would like to thank you for the opportunity to present this testimony today. I look forward to responding to any questions that you might have at this time.

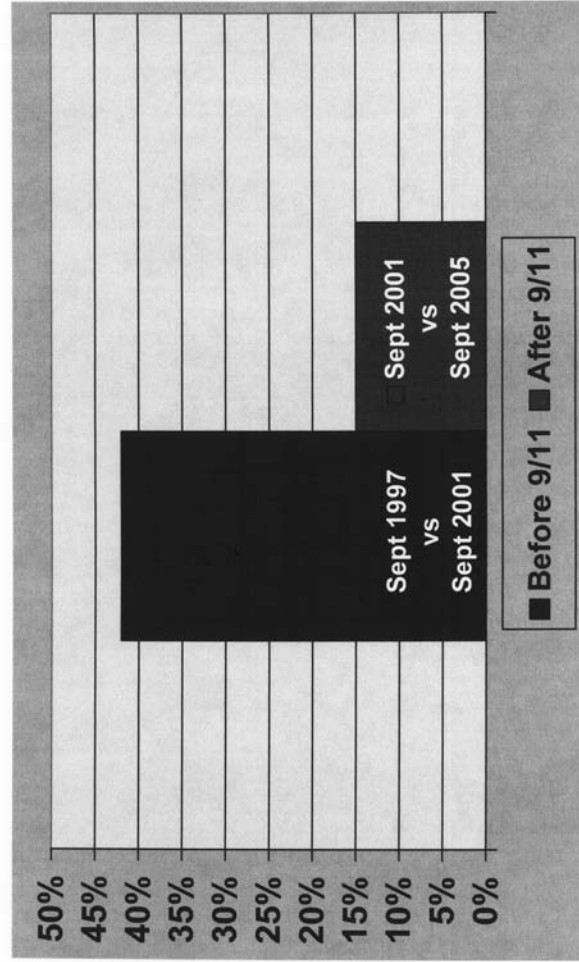
Border Patrol Officers

Rate of Increase



Impact of 9/11 on Border Patrol Agents

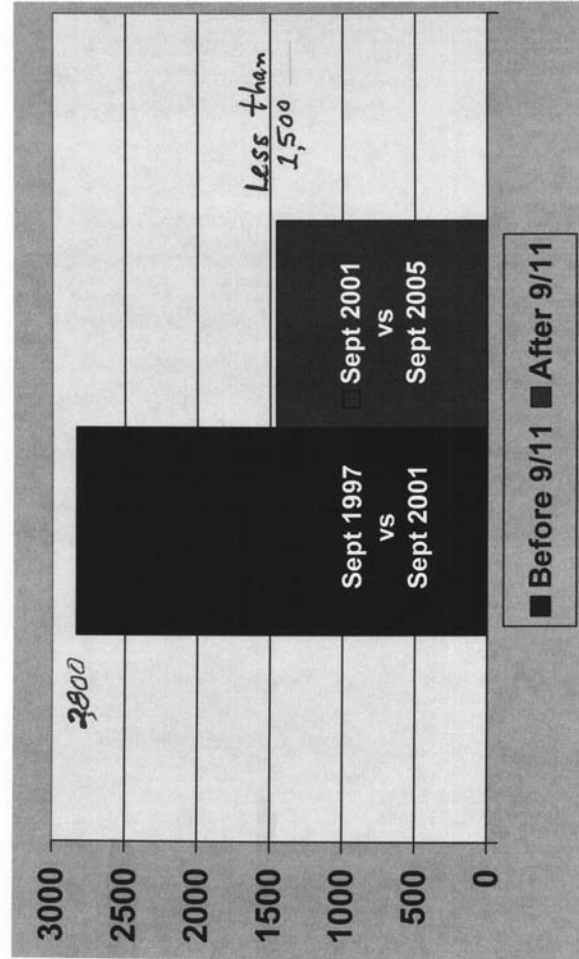
Rate of Growth



Source: Transactional Records Access Clearinghouse, Syracuse University, Copyright 2006

Impact of 9/11 on Border Patrol Agents

Additional Agents



Source: Transactional Records Access Clearinghouse, Syracuse University, Copyright 2006



La Union del Pueblo Entero
Founded by César E. Chávez

Statement on Border Vulnerabilities
and International Terrorism
by
Juanita Valdez-Cox
La Union del Pueblo Entero

Good morning Chairman Royce and Honored Members of the Panel. Before beginning I want to thank Congressman Ruben Hinojosa for his help in entering our statement into the record of this hearing.

I am presenting our statement on behalf of La Union del Pueblo Entero, or LUPE, which was established in 1989 by a great leader of the Latino community, César E. Chávez.

As these hearings on the Sensenbrenner bill, and those being planned by the Senate begin, at least eleven million undocumented immigrants are living and working in this country. Through their labor they are making great contributions to keeping our economy strong, and despite popular misconceptions, they are paying their fair share of taxes. Between 1990 and 1998, undocumented workers paid more than twenty billion dollars into the Social Security system, funds that most have little hope of collecting when they reach the age when they can no longer work. Various studies have shown that immigrant workers contribute between 90 and 120 billion dollars in federal, state, and local taxes every year. But you never hear immigrants complaining about the taxes they pay. They are here to work, to earn a living for their families.

The overwhelming majority of immigrants are NOT terrorists. These hard-working men and women, and even children, are here to accept the jobs that most American citizens do not want because they are too dangerous or too poorly paid. They toil in the blazing sun to harvest the watermelons millions of Americans enjoyed on July 4th. They clean the pot, pan, and dishes in restaurants across the nation. They change the sheets, clean the bathrooms, and vacuum the floors in hotels and motels

from coast to coast. They build fine new homes for American families while their own children live in huts back in Mexico.

Since the House adopted HR-4437, the Sensenbrenner bill, late last year, we have heard a chorus of voices condemning undocumented workers for having bypassed the immigration system. They demand that undocumented workers 'follow the law.' The truth is that most immigrants would gladly abide by the rules if they represented a realistic opportunity for a person. Unfortunately, the law does not work, and that is why immigrants are forced to come to this country without documents. A person applying for legal entry today faces delays of more than ten years before they can obtain an immigrant visa. Such delays condemn that person's family to ten years or more of starvation. Given the choice of following the law while watching your family starve or of crossing the border without documents to have a chance to put food on the table and clothing on their backs, what reasonable person would not try to make a better life for his or her family even without documents?

No reasonable person who has ever examined the immigration system of this country has ever declared the system to be workable. Even the most virulent anti-immigrant forces have denounced the system as a wreck. What is desperately needed is comprehensive reform of our immigration system. The Sensenbrenner bill that the House passed last year makes no pretense of repairing the system. This proposal intends only to seal the border to protect our nation from God knows what. Even President Bush understands that enforcement alone will not fix what is wrong. Just look at the real situation while you are on the border and you will begin to understand that a Bandaid® cannot repair our broken immigration system OR protect our borders. Over the last several years, enforcement activity has been doubled and re-doubled. We now have three times as many agents along the Mexican border as just five years ago. More immigrants are dying in the deserts and drowning in the Rio Grande, but the number of undocumented immigrants has not diminished. State and local police have been encouraged to become immigration agents, betraying the trust of the community, but the number of undocumented immigrants has not diminished. Billions of tax dollars have been spent and mis-spent on sophisticated equipment to detect illegal entrants, but the number of undocumented immigrants has not diminished. Now the National Guard is being stationed at the border, but the number of undocumented immigrants has not diminished.

People continue to come to this country for one reason, and one reason only: for the opportunity to work and sweat and toil and do whatever it takes to support their families. And so long as jobs are here, they will continue to come. They will swim the rivers and climb over or crawl under the fences you want to build. They will walk through the deserts and die by the thousands for a chance to feed their children.

Our immigration system is not flawed, it is a disgrace and a disaster, and no amount of half-hearted enforcement will fix that. We need comprehensive reform that will bring eleven million people out of the shadows. Only the truly delusional would suggest that those who are here already should be deported, or that they will leave voluntarily. Our economy would be devastated by even the attempt. So, it is imperative that some form of earned legalization program be adopted to accommodate those without documents.

Next, unless you want millions more undocumented immigrants to cross the borders, you must adopt a reasonable system by which foreign workers can obtain permission to cross the border. If you expect our economy to continue growing, you must take steps to assure an adequate number of workers to allow growth to proceed. One important part of that will be adoption of something like the AgJOBS bill sponsored by Senator Craig that would allow agricultural workers to earn legal status through their continued work in the fields.

Finally, let me urge you to include provisions of the DREAM Act in the final package, as well. We are doing a real injustice to young people without documents who work hard in high school and college to prepare for a productive career, only to learn that they are denied work authorization. The income taxes they would pay would more than offset any costs associated with awarding their hard work with legal residency.

As you go forward and debate the issues before you, remember that enforcement and border security alone will not solve any problems. After the tragedies of September 11, 2001 security experts have repeatedly affirmed that those attacks could not have been prevented by adopting stricter immigration reforms.


Without considering the contributions that immigrants bring to our nation, you will not fix this broken system. Only thoughtful deliberation, unclouded by radical opinions from either side, will lead eventually to the comprehensive solution that will make this country safer, stronger, and more secure. La Union del Pueblo Entero will

continue to insist that fair and just immigration reform be adopted. We will continue to put forth the very real stories of the millions of hard-working immigrants who have helped to make this into the great country that it is. We will continue to advocate for the rights of immigrants who help us build this nation into the greater country that we can become. And, we will never cease to hold you accountable for your actions on these critical issues.

NOW THEREFORE, be it resolved that:

1. LULAC supports a legalization program for all undocumented immigrants who have resided in the United States for a reasonable length of time-perhaps in the range of two to three years-and who have in effect become permanent resident of this country, shown a commitment to its values, contributed productive labor or in other ways contributed to their communities, do not pose a national security threat and have not engaged in any serious criminal conduct.
2. LULAC believes that in order to best protect the national security of the United States and the rights and interests of U.S. workers, a legalization program for undocumented immigrants should include unambiguous eligibility standards satisfied by realistic evidentiary burdens, afford applicants full access to judicial review in the event application for legalization are unlawfully denied, should include the spouses and children of program beneficiaries, and should be continuing program available in the future rather than a one-time program.
3. LULAC supports a legalization program that requires immigrants to perform a reasonable number of hours in community service rather than imposing high penalty fees which many hard working immigrants with families to support are unable to afford.
4. LULAC supports a substantial increase in funding for the U.S. Citizenship and Immigration Service and U.S. consulates to effect a massive reduction in all back logged immigration-related applications and modification of existing quotas with the goal that no application or petition for immigration benefits filed by eligible applicant would take more than two years to adjudicate.
5. in order to fully protect U.S. workers and reduce to the maximum extent possible the unlawful exploitation of immigrant workers, LULAC supports revisions to the U.S. laws so that documented and undocumented immigrants have full and complete access to protective labor and health and safety laws and that penalties be increased for employers who illegally exploit workers based upon their immigration status.
6. As a matter of human and civil rights, and to avoid erroneous deprivations of rights, LULAC opposes any laws that permit the indefinite detention of immigrants and supports the right of apprehended immigrants who are not a flight or national security risk, to release on reasonable bail, fair removal hearings, and the right to pursue administrative appeals without waiving grants of voluntary departure.
7. LULAC supports special protections for and opposes any reduction in the rights and procedural protection of uniquely vulnerable immigrants including students, asylum seekers, unaccompanied juveniles, victims of violent crimes and trafficking, and survivors of domestic violence.
8. LULAC supports immediate adjustment of status for thousands of Central American refugees who, many years ago, came to the United States and applied for legal status under several program including asylum, NACARA, ABC, and TPS.
9. LULAC opposed efforts to restrict or limit the ability of judiciary to review and correct unlawful decisions regarding immigrants both in the form of national policies or decisions in individual cases.
10. Because of their lack of training in immigration matters and limited resources to fulfill their local duties, LULAC opposes the involvement of local authorities in the enforcement of federal immigration laws.
11. LULAC oppose further militarization and criminalization of the U.S.-Mexico border and supports enhanced national security measures at seaports and U.S. Consulates that process applications for visas to enter the United States.
12. LULAC opposes legislation that fails to offer a comprehensive legalization program that would legalize the status of the majority of undocumented immigrant presently living in the United States, while adopting high repressive interior enforcement programs that will drive immigrants deeper underground, increase the fear and exploitability, eventually increase rather than decrease the size of the undocumented population, and result in widespread violations of human rights, all adversely impact on the national security of the United States and the rights and wellbeing of U.S. workers and their families.

Adopted this 1st day of July 2006.


Rose Rosales

LULAC National President

July 6, 2006

The Honorable Edward R. Royce, Chairman
The Honorable Brad Sherman, Ranking Member
Subcommittee on International Terrorism and Nonproliferation
Committee on International Relations
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Royce and Congressman Sherman,

On behalf of the membership of the San Antonio Hispanic Chamber of Commerce, I would like to submit our immigration reform position statement to be included in the record for the Immigration hearing taking place on July 7, 2006 in Laredo, Texas.

On December 14, 2006 the San Antonio Hispanic Chamber Board of Directors approved the following position statement supporting comprehensive immigration reform:

1. **Bilateral Policy Development:** We believe in order to realistically achieve feasible solutions to address the complications of immigration reform, a bilateral approach should be developed to facilitate communication and cooperation between the United States and Mexico in creating and implementing new immigration policy with shared responsibility.
2. **Promote Circularity and Trade:** Since the implementation of NAFTA, the United States and Mexico have strived to become better economic partners and have created a framework of cooperation through trade. The same level of cooperation should be applied for those with the desire to work in the United States. Promoting circularity allows the opportunity for legally approved immigrant workers to re-visit with families, invest in both economies, and feel secure crossing between the United States and Mexico.
3. **Support Guest Worker Programs with Optional Vehicle for Citizenship:** We support a comprehensive Guest Worker Program, which will relieve pressure on the border and would include an option for temporary workers to apply for legal residency if they choose to remain in the United States. According to the Bureau Labor of Statistics (BLS), immigrants accounted for 47 percent of growth in the workforce during the 1990s and at least 60 percent from 2000 to 2004. The BLS also projects that net immigration will add 4.25 million workers to the U.S. labor force by 2012, representing a quarter of total labor force growth. A study conducted by the National Academy of Sciences (NAS) notes that immigrants bring in \$10 billion dollars worth of labor each year to the U.S. economy, and approximately \$7 billion in Social Security and \$1.5 billion in Medicare taxes paid.

4. Border Security and Enforcement: We discourage any enforcement of immigration law that is not associated and led by our federal government. We do however, support efforts to adequately fund and protect our borders from illegal border crossings and facilitate expediting legal border crossings.

5. Business Hindrances, Potential Discrimination and Human Rights: Finally, we discourage any policy that has the potential to create a chilling effect on business and trade between Mexico and the United States, creates unnecessary hindrances or any form of discrimination towards Mexicans and Mexican-Americans, and most importantly endangers lives.

The San Antonio Hispanic Chamber of Commerce is the principal resource and advocate for the growth of the Hispanic Businesses and the driving force in guiding San Antonio's emergence as a national leader of successful Hispanics in business.

As a representative of business interests in the Hispanic community, we are extremely interested in participating in the national immigration debate. We appreciate the opportunity to contribute to this important hearing.

Respectfully,

A.J. RODRIGUEZ
President/CEO
San Antonio Hispanic Chamber of Commerce
318 West Houston St., Suite 300
San Antonio, TX 78205

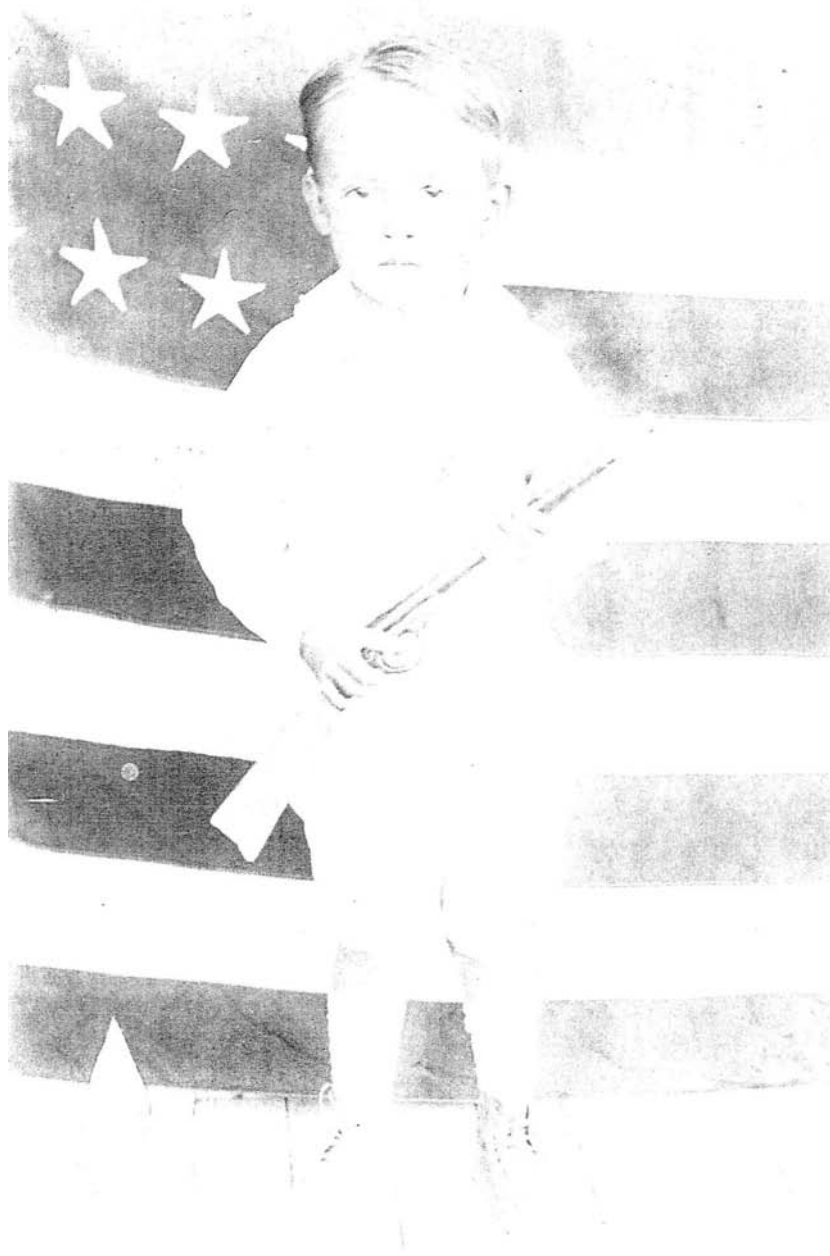
Rapid Response Border Protection Act of 2005
Introduced By Sheila Jackson Lee (D-TX)

- Authorizes the emergency deployment of Border Patrol agents to a requesting border state.
 - Sets forth provisions for Border Patrol acquisition and use of: (1) helicopters and power boats, (2) motor vehicles; (3) portable computers; (4) radio communications; (5) hand-held global positioning devices; (6) night vision equipment; and (7) body armor, uniform items, and weapons.
 - Directs the Secretary of Homeland Security (DHS) to: (1) provide for additional detention space for illegal aliens; (2) increase Border Patrol agents, airport and land border immigration inspectors, immigration enforcement officers, and fraud and document fraud investigators; (3) enhance Border Patrol training and operational facilities; (4) establish immigration, customs, and agriculture inspector occupations within the Bureau of Customs and Border Protection; (5) reestablish the Border Patrol anti-smuggling unit; (6) establish criminal investigator occupations within DHS; (7) increase Border Patrol agent and investigator pay; (8) require foreign language training for appropriate DHS employees; and (9) establish the Task Force on Fraudulent Immigration Documents.
 - Increases maximum employer-paid student loan amounts for Border Patrol agents.
 - Repeals the DHS human resources management system.
 - Redefines the term "law enforcement officer" under provisions of the Federal Employees Retirement System (FERS) and the Civil Service Retirement System (CSRS) to include: (1) federal employees not otherwise covered by such term whose duties include the investigation or apprehension of suspected or convicted individuals and who are authorized to carry a firearm; and (2) Internal Revenue Service (IRS)
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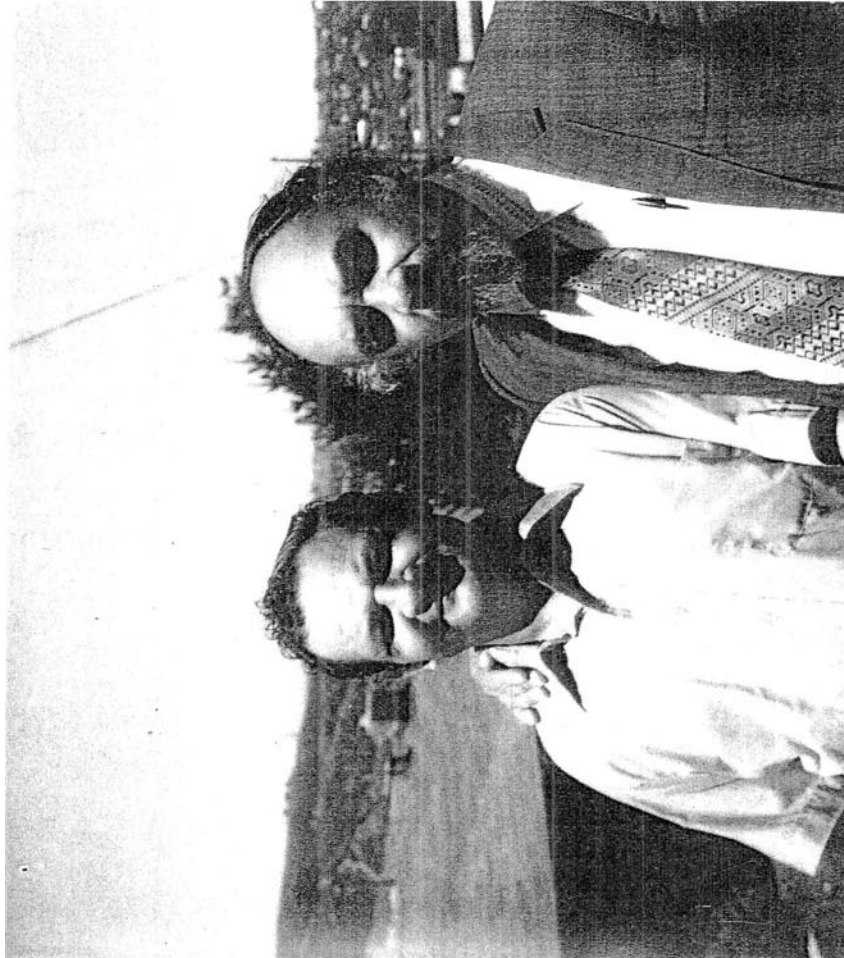
7/7/66 Luis Alfonso Diaz - DeLeon - Born in USA
Reported from US. Few no reason in 1930's




















9/11

Final Report on 9/11 Commission Recommendations • December 5, 2005

HOMELAND SECURITY AND EMERGENCY RESPONSE	INTELLIGENCE AND CONGRESSIONAL REFORM	FOREIGN POLICY AND NONPROLIFERATION
Radio Spectrum for first responders	Director of National Intelligence	Maximum effort to prevent terrorists from acquiring WMD
Incident Command System	National Counterterrorism Center	Afghanistan
Risk-based homeland security funds	FBI national security workforce	Pakistan
Critical infrastructure assessment	New missions for CIA Director	Saudi Arabia
Private sector preparedness	Government-wide information sharing	Terrorist sanctuaries
National Strategy for Transportation Security	Incentives for information sharing	Coalition strategy against Islamist terrorism
Airline passenger pre-screening	Northern Command planning for homeland defense	Coalition detention standards
Airline passenger explosive screening	Full debate on PATRIOT Act	Economic policies
Checked bag and cargo screening	Privacy and Civil Liberties	Clear U.S. message abroad
Terrorist travel strategy	Oversight Board	International Broadcasting
Comprehensive screening system	Guidelines for government sharing of personal information	Scholarship, exchange, and library programs
Biometric entry-exit screening system	Intelligence oversight reform	Secular education in Muslim countries
International Collaboration on borders and document security	Homeland Security Committees	
Standardize secure identifications	Unclassified top-line intelligence budget	
	Security clearance reform	




* If pending legislation passes.

Celebrating 110 Years of Community Service

What's NEW

Mercy in Action


Welcome!

Welcome to the Mercy Ministries of Laredo Web site.

Mercy Ministries of Laredo is an outreach ministry of the Sisters of Mercy Health System serving the people of Laredo and Webb Counties in Texas. We provide culturally sensitive physical, spiritual and emotional care through services available at our medical clinic, food pantry and domestic violence shelter. No one is turned away from our doors, no matter what their economic status; we believe in providing mercy to everyone.

We hope this Web site will provide you with valuable information about our services and how you can support our healing mission. A Spanish version of this site will be available soon. Please do not hesitate to contact us with any questions or for more information.

- Home
- Who We Are
- Who We Serve
- How We Serve
- How You Can Serve
- Useful Links
- How to Contact Us
- Our Privacy Policy





Sisters of Mercy of the Americas
Hermanas de la Misericordia de las Américas

Institute Office

July 7, 2006

Sisters of Mercy Call for Broader View of Immigration Issue

(Laredo, TX) – While the Sisters of Mercy are encouraged by the Senate's passage of S. 2611, we call on Congress to now work in a bipartisan manner toward legislation that is just, humane, and addresses the root causes of migration.

The Senate provisions for a legal path for citizenship recognize the tremendous contributions of immigrants to our society. However, Congress must simplify this path by rethinking the flawed three-tiered earned legalization approach. Furthermore, increasing the National Guard's involvement and expanding a costly border fence will not prevent people who are desperate from seeking a better life in the United States. When reviewing enforcement measures, Congress should consider why the U.S.-Mexico border is the most militarized one in the world between two nations not at war.

We reject the House bill, H.R. 4437, with its draconian enforcement-only focus. This bill represents the worst in politics, making felons out of parents working to feed their families and out of American citizens – including religious men and women – answering God's call to serve the needs of those who suffer.

As the Conference Committee forms, we hope that the resulting bill is not simply politically viable, but benefits the common good, includes a pathway to lawful permanent residence and citizenship, meets immigrants' basic needs, and encourages family unity.

The Sisters of Mercy recognize that no immigration legislation will be complete without addressing the root causes of migration. Our sisters in other countries describe the necessary migration of people due to poverty, war and violence, and environmental destruction. Many U.S. policies widen the gap between our world's richest and poorest peoples and continue the proliferation of weapons, of violence and of war. We call on our lawmakers to change these policies as part of immigration reform.

The Sisters of Mercy will continue to advocate for humane and compassionate immigration legislation. We believe that every person has the right to safe and decent living and working conditions, education and healthcare. We believe immigrants should have the opportunity to work toward citizenship, and secure the unity of their families. This will strengthen American communities, and continue our heritage as a welcoming nation, a nation built by immigrants. Who among us would not take whatever measures we could to protect and feed our families, and provide them with a better life than is now available to them?

The Sisters of Mercy of the Americas are an international community of women religious vowed to serve people who suffer from poverty, sickness and lack of education, with a special concern for women and children. In innovative and traditional ways, Sisters of Mercy address human needs through collaborative efforts in education, health care, housing, and pastoral and social services. Among Sisters of Mercy one can find doctors, lawyers and paralegals, theologians, immigrant advocates, missionaries, justice advocates and peace activists, prisoners of conscience, and foster mothers. The Institute includes 25 regional communities with 4,515 sisters who serve in North, South and Central America, the Caribbean, Guam and the Philippines. More than 2,800 associates, several Companions in Mercy, over 600 Mercy Volunteer Corps alumni, and hundreds of co-workers in Mercy-sponsored programs and institutions also share in our mission, following the example of Mercy foundress, Catherine McAuley.

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Sisters of Mercy of the Americas
 Hermanas de la Misericordia de las Américas

Institute Office

July 7, 2006

Sisters of Mercy Advocate for Compassionate U.S. Immigration Policy

(Silver Spring, MD) – The Sisters of Mercy are moved by the Gospel and by our heritage to stand with and assist those who are forced to move from their homelands and seek economic and physical survival elsewhere. In our spirit of welcome and hospitality, we have always ministered to immigrant persons and to those most vulnerable.

We – 4,515 Catholic sisters and more than 2,800 associates, several Companions in Mercy, over 600 Mercy Volunteer Corps alumni and hundreds of co-workers in Mercy-sponsored programs and institutions – now call on the government of the United States to establish justice for the immigrants of our time.

As a first step toward justice for immigrants, we call on our elected officials to pass compassionate U.S. immigration policy which includes a pathway to lawful permanent residence and citizenship, meets immigrants' basic needs, and encourages family unity/reunification. We also ask lawmakers to address the root causes of migration and adjust trade and other policies which contribute to economic and social conditions that necessitate migration for those working to ensure survival for themselves and their families.

Our commitment to a merciful way of life demands that we meet, by direct service and systemic change, the needs of those who suffer. For that reason, we are working with the United States Catholic Conference of Bishops and others for a comprehensive overhaul that creates a humane immigration system. We will continue to welcome and assist those who seek hope, home and labor in this country.

Like many Americans, the Sisters of Mercy of the Americas came to this country as immigrant women. Since 1843 we have ministered to the needs of immigrant persons as part of our commitment to serve the most vulnerable and in response to the Gospel's call to welcome the stranger and to live in communion with others. Today we can do no less. The Gospel and the directives of our religious congregation call us to act and speak on behalf of our sisters and brothers who have been silenced. We welcome the invitation to be true to the call.

About the Sisters of Mercy of the Americas

We are an international community of women religious vowed to serve people who suffer from poverty, sickness and lack of education, with a special concern for women and children. In innovative and traditional ways, Sisters of Mercy address human needs through collaborative efforts in education, health care, housing, and pastoral and social services. Among Sisters of Mercy one can find doctors, lawyers and paralegals, theologians, immigrant advocates, missionaries, justice advocates and peace activists, prisoners of conscience, and foster mothers. The Institute includes 25 regional communities with 4,515 sisters who serve in North, South and Central America, the Caribbean, Guam and the Philippines. More than 2,800 associates, several Companions in Mercy, over 600 Mercy Volunteer Corps alumni, and hundreds of co-workers in Mercy-sponsored programs and institutions also share in our mission, following the example of Mercy foundress, Catherine McAuley. For more information on how to join us in standing in solidarity with immigrants, go to <http://www.sistersofmercy.org/justice/immigration>.

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